

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DeWAYNE WALKER, SR., KAREN :  
WALKER, his wife, D.W. Jr., minor child :  
and T. W., minor child, :

Plaintiffs, :

v. :

C.A. NO. 06-288 \*\*\*

THE CITY OF WILMINGTON, a political :  
subdivision of the State of Delaware, :  
DETECTIVE MICHAEL R. LAWSON, JR., :  
individually and in his official capacity, and :  
UNKNOWN ENTITIES, :

Defendants. :

Jury Trial Demanded

APPENDIX TO PLAINTIFFS' ANSWERING BRIEF IN OPPOSITION TO  
DEFENDANTS' BRIEF IN SUPPORT OF THEIR MOTION  
FOR SUMMARY JUDGMENT

BIGGS AND BATTAGLIA

/s/ Philip B. Bartoshesky (#2056)

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Date: July 9, 2007

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1<sup>st</sup> Amended COMPLAINT

**JURISDICTION**

This court has original jurisdiction over this matter that is brought to redress the deprivation of rights, privileges and immunities secured by the Constitution and laws of the United States pursuant to 28 U.S.C. §1331 and §1343. The federal issues involved arise under 42 U.S.C. § 1983. This court has supplemental jurisdiction over all other claims asserted herein in that they are related to those issues over which original jurisdiction is conferred and are part of the same controversy, pursuant to 28 U.S.C. §1367(a).

**PARTIES**

1. Plaintiff DeWayne Walker, Sr. is a 39 year old African-American and is a citizen of the State of Delaware. His address is 118 Dutton Place, City of New Castle, New Castle, DE 19720 (hereafter "Plaintiff Walker, Sr.").

2. Plaintiff Karen Walker, is the wife of Plaintiff Walker, Sr. and is a citizen of the State of Delaware (hereafter "Plaintiff K. Walker"). Her address is 118 Dutton Place, City of New Castle, New Castle, Delaware 19720. She is an African-American.

3. Plaintiff D.W. Jr., a child of Plaintiff Walker, Sr. and Plaintiff K. Walker, and is a citizen of the State of Delaware. His address is 118 Dutton Place, City of New Castle, New Castle, DE 19720 (hereafter "Plaintiff D.W., Jr."). He is African-American.

4. Plaintiff T.W. is the minor child of Plaintiff Walker, Sr. and Plaintiff K. Walker and is a citizen of the State of Delaware (hereafter "Plaintiff T. W."). Her address is 118 Dutton Place, City of New Castle, New Castle, Delaware 19720. She is an African-American.

5. Defendant City of Wilmington, is a political subdivision of the State of Delaware (hereinafter "City"). The City maintains a police department whose jurisdiction is limited by statute to the City of Wilmington except in circumstances not relevant here.

6. Defendant Michael R. Lawson, Jr. (hereinafter "Defendant Lawson" is a detective with the Wilmington Police Department.

7. Defendant Unknown Entity(ies) is/are political subdivision(s) of the State of Delaware and/or individuals involved in relevant circumstances to the events alleged in this Complaint.

#### GENERAL ALLEGATIONS

8. On September 15, 2005 at approximately 6:00 a.m., Plaintiff Walker, Sr. was in his residence preparing for work, his wife, Plaintiff K. Walker was within the house with their one year old daughter, Plaintiff T. Walker. The Plaintiffs' 15 year old son, Plaintiff D.W., Jr. was asleep in his upstairs bedroom.

9. At approximately 6:05 a.m. members of the City of Wilmington Police, including heavily armed members of the SWAT unit broke through the front door of the home and stormed the inside of the residence holding and detaining Plaintiff Walker, Sr. at gun point and handcuffs, on his knees, in his basement and further detained Plaintiff K. Walker at gun point with Plaintiff T. W. by forcing them to sit on their laundry room floor.

10. Plaintiff K. Walker informed officers they did not have to point guns at them, but was ignored. Plaintiff Walker, Sr. repeatedly said, "You guys have the wrong house."

11. Defendant Lawson appeared on the scene and began searching through Plaintiff Walker, Sr.'s pockets. Defendant Lawson took out Plaintiff Walker, Sr.'s wallet and went through the wallet. He said he could not find Walker, Sr.'s driver's license. He then told Walker, Sr. to carefully go through the wallet and "give me your driver's license, I can't find it". Defendant Lawson then took off Walker, Sr.'s handcuffs. After reviewing Walker, Sr.'s driver's license, Lawson presented Walker Sr. with a photo of the suspect and asked him if he knew the man. The answer was negative. The detective then requested information if anyone else was in the house besides himself, his wife and 1 year old child. Walker, Sr. said his fifteen year old son was upstairs. Lawson asked what he was doing up there, Walker, Sr. said, "he is sleeping in his bed".

12. The police units then proceeded to the upstairs and entered the bedroom of Plaintiff D.W., Jr. who woke to officers moving into his bedroom, guns and laser sights pointed at him. He was laying in the bed and they were asking his name. He responded. They told him to get up slowly and emphasized move slowly. He was naked. The officers then searched his dresser drawers for clothing. They handed him a pair of pants. They told him to put on the clothing.

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There are twin beds in the room. The officers asked him who else sleeps in the room. D.W., Jr. responded that it is a guest bed and that no one sleeps there. They continued to interrogate him with the same questions, then moved him forcefully downstairs and set him next to his mother and one year old sibling who had been escorted by the police from the laundry room up to the family room.

13. Walker, Sr. was then moved from the basement to the family room to be seated with Wife, 1 year old and his 15 year old son. At this point, the detective explained it was a mistake. After Wife questioned him about how such a significant mistake could be made, Detective Lawson responded, "Wife's middle name is the same as the suspect's mother's first name. She lives in Wilton." Still baffled by his response and asking for further information, the Detective responded that "these things happen". Walker, Sr. asked what about the front door and the damage to his home, Detective Lawson then pulled out a business card, crossed out the phone number on the front of the card and wrote on the back of the card a different number and informed Walker, Sr. to "call this number to get his door fixed".

14. Walker's neighbor and coworker, Allen Peoples, drove by the house during the incident and stopped and asked a SWAT member what was happening, stating he worked with Plaintiff Walker, Sr. The officer said "You won't be seeing him [Walker] going to work for a while."

15. To the best of Walker, Sr.'s recollection, every room and every closet in the home was searched, including the attic.

16. None of the Plaintiffs had violated any law or regulation. None were accused of any violation. No explanation or apology for Defendants' conduct was offered.

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**COUNT I (§1983 – Claim Against All Defendants)**

17. Plaintiffs hereby incorporate by reference the allegations contained in Paragraphs 1 through 16.

18. On or about September 15, 2005, as aforementioned, while acting under color of state law, without prior notice forcibly entered Plaintiffs' residence, detained the Plaintiffs at gun point and handcuffed Plaintiff Walker, Sr.. all without probable cause and without a reasonable belief that anyone within the residence had committed a crime or had taken some other action for which arrest or detainment is legal or appropriate.

19. The aforesaid actions of the Defendants were intentional, reckless, and/or showed deliberate indifference to the rights and welfare of Plaintiff.

20. Plaintiffs took no action which constituted any offense or provided any justification or reason for Defendants to forcibly break into the home unannounced, draw their weapons against the Plaintiffs and the minor children, a one year old daughter and 15 year old son, and handcuff Plaintiff Walker, Sr. and otherwise detain anyone within the household.

21. The acts of Defendants were done with the purpose and intent of depriving Plaintiffs the right to be secure in their person against unreasonable search and seizure as guaranteed to them by the 4<sup>th</sup> Amendment to the United States Constitution and their rights not to be deprived of life, liberty or property without due process of law as guaranteed by the 14<sup>th</sup> Amendment of the Constitution of the United States.

22. The acts of Defendants were taken against Plaintiffs because of Plaintiffs' race and were done with the purpose and intent of depriving Plaintiffs the right to be secure in their person against unreasonable search and seizure secured to them under the 4<sup>th</sup> Amendment of the

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United States Constitution and their right not be deprived of life, liberty or property without due process of law and to be accorded the equal protection of the law that is guaranteed to them under the 14<sup>th</sup> Amendment of the United States Constitution.

23. As a result and proximate cause of the acts of Defendants, who were acting under color of law, Plaintiffs:

a. Suffered great and significant and continuing physical and emotional distress, harm, anguish, shame and humiliation; and

b. Incurred medical expenses.

**COUNT II (§1983 Claim – Against City of Wilmington)**

24. Plaintiffs hereby reallege and incorporate by reference the allegations contained in paragraphs 1 through 23.

25. At all times relevant to the action, Defendant Lawson was an employee or agent of Defendant City and was acting for and on behalf of Defendant City. Defendant City knew or should have known of actions of its employee, Defendant Lawson, whose actions were within Defendant City's supervision and control.

26. Defendant City knew, or should have known, the actions of Defendant Lawson included wholesale deprivations of Plaintiffs' constitutionally guaranteed civil rights and battery and false arrest of Plaintiffs.

27. Defendant City showed a deliberate indifference to the well being and constitutional rights and welfare of Plaintiffs.

28. By the acts and/or omission of Defendant City, an atmosphere was created conducive to the aforesaid illegal and constitutional actions of Defendant Lawson and which

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demonstrated the complete disregard by Defendant City of a risk known or which should have been known and a deliberate indifference to the constitutional rights and welfare of Plaintiffs and others.

29. The acts of Defendant Lawson were pursuant to a custom or policy of Defendant City which, as a result of the aforesaid acts and/or omissions of Defendant City, Plaintiffs:

a. Suffered great and significant and continuing physical and emotional distress, harm, anguish, shame and humiliation; and

b. Incurred medical expenses.

**COUNT III (§1983 Claim – Against City of Wilmington)**

30. Plaintiffs hereby reallege and incorporate the allegations contained in paragraphs 1 through 29.

31. Defendant City is the employer of Defendant Lawson and at all times Defendant Lawson was acting as the agent and/or employee and under its supervision and control.

32. Defendant City is responsible for the operation and conduct of the City of Wilmington Police Department and the supervising and training of all of its officers, including Defendant Lawson.

33. Defendant City's negligent, intentional, willful and/or wanton failure to adequately train and/or supervise its officers, specifically Defendant Lawson, was a cause of the illegal and unconstitutional actions taken against Plaintiffs by Defendant Lawson and constitutes illegal, unconstitutional actions and deliberate indifference to the welfare and constitutional rights of Plaintiffs and others.

34. As a direct and proximate result of the aforesaid actions, inactions and omissions

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by Defendant City, Plaintiffs:

- a. Suffered great and significant and continuing physical and emotional distress, harm, anguish, shame and humiliation; and
- b. Incurred medical expenses.

**COUNT IV – (§1983 Claim Against Defendant Lawson)**

35. Plaintiffs hereby realleges and incorporates by reference the allegations contained in paragraphs 1 through 34.

36. Defendant Lawson at all times was acting as an agent and employee of the City and acting under color of state law.

37. Defendant Lawson's negligent, intentional, willful and/or wanton actions were done with the purpose and intent of depriving Plaintiffs the right to be secure in their person and against unreasonable searches and seizures as guaranteed by the Fourth Amendment to the United States Constitution and the right not to be deprived of life, liberty or property without due process of law as guaranteed by the Fourteenth Amendment of the United States Constitution.

38. The acts of Defendant Lawson was taken against Plaintiffs because of their race and were done with the purpose and intent of depriving Plaintiffs the right to be secure in their person and against unreasonable searches and seizures secured to them under the Fourth and Fourteenth Amendments to the United States Constitution and the right not to be deprived of life, liberty or property without due process of law and to be accorded the equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution.

39. As a result of the proximate cause of the acts of Defendant Lawson who was acting under color of law, Plaintiffs:

a. Suffered great and significant and continuing physical and emotional distress, harm, anguish, shame and humiliation; and

b. Incurred medical expenses.

**COUNT V (§1983 Claim Against Unknown Entities)**

40. Plaintiffs hereby reallege and incorporate by reference the allegations contained in paragraphs 1 through 39.

41. At all times relevant to the action, Defendants Unknown Entities are either political subdivisions, agencies or individual employees or agents of a political subdivision at the State of Delaware acting under color of state law.

42. These unknown entities include police officers employed by the City and/or by the State of Delaware and/or a county of the State. Defendants Unknown Entities actions included wholesale deprivations of Plaintiffs' constitutionally guaranteed rights, battery and false arrest of Plaintiffs.

43. Defendants Unknown Entities showed a deliberate indifference to the well being and constitutional rights and welfare of Plaintiffs.

44. The acts and/or omission of the Defendants Unknown Entities which are subdivisions of the State, created an atmosphere conducive to the aforesaid illegal and constitutional actions of individual Defendants Unknown Entities and which demonstrated the complete disregard of a risk known or which should have been known and a deliberate indifference to the constitutional rights and welfare of Plaintiffs and others.

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45. The acts of Defendants Unknown Entities were pursuant to a customs or policies of Defendants Unknown Entities which are political subdivisions of the State.

46. Defendants Unknown Entities actions under color of state law deprived Plaintiffs of their rights not to be deprived of life, liberty and property without due process of law, their right to be free of unreasonable search and seizure and their right to equal protection under the law as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution.

47. As a result of the proximate cause of the acts of Defendant Lawson who was acting under color of law, Plaintiffs:

a. Suffered great and significant and continuing physical and emotional distress, harm, anguish, shame and humiliation; and

b. Incurred medical expenses.

**COUNT VI** (§ 1983 Claim Against All Defendants)

48. Plaintiffs hereby reallege and incorporate by reference the allegations contained paragraphs 1 through 47.

49. Plaintiffs Walker, Sr., Plaintiff K. Walker, Plaintiff Walker, Jr. and Plaintiff T. Walker have no common identification with the individual being sought by the Defendants other than being African-American with the household surname of Walker.

50. The actions of Defendants traveling out of their jurisdiction were taken because of Plaintiffs' race.

51. Defendants actions constitute a violation of Plaintiffs' right to due process of law and equal protection of the law guaranteed under the United States Constitution.

52. As a direct and proximate result of the actions of Defendants the Plaintiffs:

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a. Suffered great and significant and continuing physical and emotional distress, harm, anguish, shame and humiliation; and

b. Incurred medical expenses.

**COUNT VII (State Claim of False Imprisonment)**

53. Plaintiffs hereby reallege and incorporate the allegations contained in paragraphs 1 through 52.

54. Defendants acted intentionally by acts and threats causing Plaintiffs to be totally controlled for an unreasonable amount of time within physical boundaries established by Defendants.

55. Defendants confinement of Plaintiffs was without consent or legal jurisdiction or justification.

56. As a direct and proximate result of Defendants' actions, Plaintiffs suffered injuries, including, but not limited to:

a. Suffered great and significant physical and emotional distress, harm, anguish, shame and humiliation;

b. Incurred medical expenses.

**COUNT VIII – (State Law Battery Claim)**

57. Plaintiffs hereby reallege and incorporate the allegations contained in paragraphs 1 through 56.

58. Defendants intentional physical assault of Plaintiffs constitutes a battery.

59. As a direct and proximate result of Defendants' actions, Plaintiffs suffered injuries, including, but not limited to:

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- a. Suffered great and significant physical and emotional distress, harm, anguish, shame and humiliation;
- b. Incurred medical expenses.

**WHEREFORE**, Plaintiffs demand judgment against Defendants jointly and severally, for compensatory and punitive damages, including costs and attorneys' fees pursuant to 42 U.S.C. §1988 and other such relief as is just and appropriate.

**BIGGS AND BATTAGLIA**

/s/ Victor F. Battaglia  
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Date: May 2, 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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WALKER, his wife, D.W., JR., minor  
child, and T.W., minor child,

Plaintiffs,

v.

THE CITY OF WILMINGTON, a political  
subdivision of the State of Delaware,  
DETECTIVE MICHAEL R. LAWSON, JR.,  
individually and in his official capacity, and  
UNKNOWN ENTITIES.

C.A. No. 06-288 KAJ

**ANSWER OF THE CITY OF WILMINGTON  
AND DETECTIVE MICHAEL R. LAWSON, JR.**

1. Admitted upon information and belief.

2. Admitted upon information and belief.

3. Admitted upon information and belief.

4. Admitted upon information and belief.

5. The City of Wilmington and Detective Michael R. Lawson, Jr. (hereafter "Answering Defendants") admit that the City of Wilmington is a political subdivision of the State of Delaware, and further admit that the City maintains a police department. Answering Defendants deny that the jurisdiction of the City's police department is limited to the City of Wilmington. Answering Defendants are not aware of the statute in this averment to which Plaintiffs refer but fail to cite.

6. Admitted.

7. Answering Defendants do not have sufficient information to admit or deny the averments about the Unknown Entity described in this averment.

**GENERAL ALLEGATIONS**

8. Answering Defendants do not have any information to admit or deny what Plaintiffs were doing in their residence at the said date and time.

9. Denied as stated. By way of further explanation, at the said date and time, City of Wilmington police officers did execute a warrant by entering 118 Dutton Place through the unlocked screen door in search of Dwayne Walker, who was wanted for the crime of First Degree Murder.

10. Answering Defendants do not have sufficient information to admit or deny this averment. \_\_\_\_\_

11. Admitted.

12. Answering Defendants admit that guns were drawn, but deny that guns were equipped with laser sights, and further deny that the non-existent laser sights were pointed at anyone. Answering Defendants admit that D.W., Jr. was in bed, that he identified himself, that he was told to get up slowly, that he was naked, that he was handed a pair of jeans, and that he was instructed to wear the jeans. Answering Defendants further admit D.W., Jr. was asked who slept in the guest bed, but deny that D.W. Jr. was continually interrogated with the same questions. Answering Defendants deny that they forcefully moved D.W. Jr. downstairs. By way of further explanation, Answering Defendants escorted D.W. Jr. downstairs to sit with the rest of his family.

13. Denied as stated. Answering Defendants admit that the Walker family was gathered in the family room, at which time Detective Lawson showed Plaintiff DeWayne Walker the "wanted flyer" for Dwayne Walker, and also explained to Plaintiff Karen Walker that her middle name (Alicia) matches the first name of Alicia Walker, who transported Dwayne Walker



to Chester, Pennsylvania, within hours after he committed first degree murder. Detective Lawson admits that he gave his business card to Plaintiff DeWayne Walker and invited him to call to have his door fixed. By way of further explanation, Detective Walker did not observe any damage to the door, and the SWAT entered the house by opening the unlocked door.

14. Answering Defendants deny making any such statements to Allen Peoples.

15. Admitted.

16. Admitted in part; denied in part. Answering Defendants admit that none of Plaintiffs violated any laws or regulations. Detective Lawson did explain how the mistake occurred and he apologized to the Plaintiffs.

**COUNT I (42 U.S.C. § 1983 - CLAIM AGAINST ALL DEFENDANTS)**

17. Answering Defendants hereby incorporate the responses set forth in Paragraphs 1 through 16 as if set forth herein at length.

18. Denied as stated. Answering Defendants admit that they entered Plaintiffs' residence at the said date and time to execute a warrant for Dwayne Walker, who was wanted for first degree murder. Answering Defendants admit that they entered the residence without prior notice, but deny that they entered the residence forcefully. Answering Defendants deny that they lacked probable cause and/or reasonable belief that anyone within the residence had committed a crime or had taken some other action for which arrest or detainment was appropriate.

19. This averment states a legal conclusion to which no response is required. To the extent that a response is required, Answering Defendants deny the allegations and deny any liability

20. Denied as stated. Answering Defendants admit that Plaintiffs took no action which constituted any offense. Answering Defendants deny that they lacked probable cause to

believe that a murder suspect could be found in Plaintiffs' residence. Answering Defendants deny that apprehension of a first degree murder suspect is insufficient justification or reason to enter unannounced with weapons drawn into the dwelling where the first degree murder suspect is believed to be hiding.

- 21. Denied in full.
- 22. Denied in full.
- 23. Denied in full, and as to each sub-part.
  - a. Denied in full.
  - b. Denied in full.

**COUNT II (42 U.S.C. § 1983 - CLAIM AGAINST THE CITY OF WILMINGTON)**

24. Answering Defendants hereby incorporate the responses set forth in Paragraphs 1 through 23 as if set forth herein at length.

25. Admitted in part; denied in part. Answering Defendants admit that Detective Lawson was an employee and/or agent of the City of Wilmington at all relevant times therein. Answering Defendants deny that the City knew or should have known of the actions of Detective Lawson. Answering Defendants admit that Detective Lawson's actions were within the City's supervision and control. Answering Defendants deny that Detective Lawson is liable to Plaintiffs and further deny that any liability is imputed to the City.

- 26. Denied in full.
- 27. Denied in full.
- 28. Denied in full.
- 29. Denied in full, and as to each sub-part.
  - a. Denied in full.

b. Denied in full.

**COUNT III (42 U.S.C. § 1983 - CLAIM AGAINST CITY OF WILMINGTON)**

30. Answering Defendants hereby incorporate the responses set forth in Paragraphs 1 through 29 as if set forth herein at length.

31. Admitted.

32. Admitted.

33. Denied in full.

34. Denied in full, and as to each sub-part.

a. Denied in full.

b. Denied in full.

**COUNT IV (42 U.S.C. § 1983 - CLAIM AGAINST LAWSON)**

35. Answering Defendants hereby incorporate the responses set forth in Paragraphs 1 through 34 as if set forth herein at length.

36. Admitted.

37. Denied in full.

38. Denied in full.

39. Denied in full, and as to each sub-part.

a. Denied in full.

b. Denied in full.

**COUNT V (42 U.S.C. § 1983 - CLAIM AGAINST UNKNOWN ENTITIES)**

40. Because Answering Defendants do not know the unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

41. Because Answering Defendants do not know which unknown entities to which

Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

42. Because Answering Defendants do not know which unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

43. Because Answering Defendants do not know which unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

44. Because Answering Defendants do not know which unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

45. Because Answering Defendants do not know which unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington and Detective Lawson.

46. Because Answering Defendants do not know which unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

47. Because Answering Defendants do not know which unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

a. Because Answering Defendants do not know which unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

b. Because Answering Defendants do not know which unknown entities to which Plaintiffs are referring, no response is required by the City of Wilmington or Detective Lawson.

**COUNT VI (42 U.S.C. § 1983 - CLAIM AGAINST ALL DEFENDANTS)**

48. Answering Defendants hereby incorporate the responses set forth in Paragraphs 1 through 47 as if set forth herein at length.

49. Denied. By way of further explanation, the suspect sought was named Dwayne Walker, which is almost identical to the name of Plaintiff DeWayne Walker. Also by way of further explanation, the Dwayne Walker sought was previously transported by someone named Alicia Walker, and Plaintiff Karen Walker's middle name is Alicia. Also by way of further explanation, Dwayne Walker was the same race as Plaintiff DeWayne Walker, and Alicia Walker was the same race as Plaintiff Karen Alicia Walker.

50. Denied.

51. Denied.

52. Denied in full, and as to each sub-part.

a. Denied in full.

b. Denied in full.

53. Answering Defendants do not have sufficient information to admit or deny this averment.

#### **COUNT VI (STATE LAW CLAIM OF FALSE IMPRISONMENT)**

54. Answering Defendants hereby incorporate the responses set forth in Paragraphs 1 through 53 as if set forth herein at length.

55. Answering Defendants deny that Plaintiffs were "confined", and further deny that legal jurisdiction or justification was lacking. Answering Defendants are not able to admit or deny whether Plaintiffs' consented.

56. Denied in full, and as to each sub-part.

a. Denied in full.

b. Denied in full.

**COUNT VII (STATE LAW CLAIM OF BATTERY)**

57. Answering Defendants hereby incorporate the responses set forth in Paragraphs 1 through 56 as if set forth herein at length.

58. Denied.

59. Denied in full, and as to each sub-part.

a. Denied in full.

b. Denied in full.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

60. Answering Defendants' actions were supported by probable cause.

**SECOND AFFIRMATIVE DEFENSE**

61. Answering Defendants' actions were authorized by the Warrant Clause of the Fourth Amendment.

**THIRD AFFIRMATIVE DEFENSE**

62. Answering Defendants' actions were authorized by the Police Mutual Assistance Act, 11 Del.C. § 1941 et seq.

**FOURTH AFFIRMATIVE DEFENSE**

63. Answering Defendants' actions were authorized by 11 Del.C. § 1911(a)(3)&(d), which gives City police officers statewide authority to makes arrests outside of the jurisdictional limits of the City of Wilmington.

**FIFTH AFFIRMATIVE DEFENSE**

64. Plaintiffs fail to state a claim against Answering Defendants upon which relief

can be granted.

**SIXTH AFFIRMATIVE DEFENSE**

65. Law Enforcement Officers Privilege.

**SEVENTH AFFIRMATIVE DEFENSE**

66. The actions and conduct of Answering Defendants, to the extent they occurred as alleged, did not rise to the level of a Constitutional violation and, therefore, Plaintiffs did not suffer any infringement of their constitutional rights.

**EIGHTH AFFIRMATIVE DEFENSE**

67. The actions and conduct of Answering Defendants, to the extent they occurred as alleged, were objectively reasonable under the circumstances which Answering Defendants were aware, therefore, they enjoy qualified immunity from all liability.

**NINTH AFFIRMATIVE DEFENSE**

68. The actions and conduct of Answering Defendants did not violate any clearly established Constitutional or Federal statutory rights of which Answering Defendants reasonably should have been aware, entitling Answering Defendants to qualified immunity.

**TENTH AFFIRMATIVE DEFENSE**

69. The actions and conduct of the Answering Defendants, to the extent they occurred as alleged, were undertaken in good faith performance of their official duties, without wantonness or malice, and were, therefore protected by the sovereign immunity provisions of 10 Del. C. §4010 et seq.

**ELEVENTH AFFIRMATIVE DEFENSE**

70. Plaintiffs' damages, if any, are limited by 10 Del. C. §4013.

**TWELFTH AFFIRMATIVE DEFENSE**

70. To the extent that Plaintiffs may have been injured, Answering Defendants were not the proximate cause of any such injuries.

**THIRTEENTH AFFIRMATIVE DEFENSE**

71. Punitive damages are not recoverable against Answering Defendants for the claims alleged by Plaintiffs.

**FOURTEENTH AFFIRMATIVE DEFENSE**

72. Plaintiffs cannot show an official policy, practice, procedure or custom sufficient to support a finding of municipal liability.

**WHEREFORE**, Defendants, City of Wilmington and Detective Michael R. Lawson, Jr., pray that this Honorable Court dismiss Plaintiffs' Complaint, assess costs and reasonable attorney's fees against Plaintiffs, and order such other relief as this Court deems appropriate.

/s/ Alex J. Mili, Jr.

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Detective Michael R. Lawson, Jr.

Dated: June 19, 2006



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DeWAYNE WALKER, SR, KAREN  
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DETECTIVE MICHAEL R. LAWSON, JR.,  
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UNKNOWN ENTITIES,

Defendants.

C.A. No. 06-288 KAJ

OCT 31 10 18 AM '06

**DEFENDANT CITY OF WILMINGTON'S RESPONSE TO PLAINTIFFS' FIRST  
INTERROGATORIES DIRECTED TO DEFENDANT CITY OF WILMINGTON**

**INTERROGATORIES**

1. Identify the officers of the City of Wilmington Police Department who were investigating the case against Dwayne Walker, ID 0509010302, and include:

- a. The dates and times each were on duty each day;
- b. The rank of each individual.

**ANSWER** The following officers were on duty on September 15, 2005 at 6:00 a.m.:

Detective Michael Lawson  
Detective Raymond Wyatt, Jr.  
Senior Corporal Bruce Coffey  
Senior Corporal John Ciritella  
Detective Matt Hall  
Corporal Stephen Brock  
Senior Corporal Bill Gearhart  
Senior Corporal Ralph Hauck  
Senior Corporal Shawn Gordon

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Senior Corporal Gene Solge  
Senior Corporal Dave Simmons  
Senior Corporal Damian Vice  
Master Sergeant Scott Sowden  
Sergeant Dennis O'Connor  
Master Sergeant Kyle Rogers  
Master Sergeant Tom Spell  
Corporal Matt Severance  
Corporal Joe O'Neil  
Senior Corporal Tom Curley  
Senior Corporal Donnie Witte  
Corporal George Pigford  
Corporal Jeffrey Silvers  
Corporal Stephen Misetic

2. State whether in the past 10 years there has ever been any complaints, accusations or claims against any member of the Wilmington Police Department, or the Wilmington Police Department in general, which make accusations of violation of Constitutional rights or of discrimination based upon race, national origin, or sex, and include for each such complaint or accusation:

- a. The date(s) of each;
- b. The nature or the claims or accusations;
- c. The status of any investigation of those claims or accusations;
- d. How each such claim or accusation was resolved.

**ANSWER** Objection. Defendants object to this Interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, Defendants disclose:

Albert Brown v. Randolph Pfaff, et al. – 8/03 - Civil Rights Violations - dismissed  
Kurt C. Bryson v. City of Wilmington – 8/05 - Civil Rights Violations - unsubstantiated  
Paul Sekscinski v. Cpl. Anthony Harris – 5/05 - Civil Rights Violations - dismissed  
Faheem Akil v. City of Wilmington – 5/05 – Civil Rights Violations - unsubstantiated  
Joseph Gibbs v. Carolyn Hartsy, et al. – 12/98 - Civil Rights Violations - dismissed  
Clarence Jamison v. Wilmington Police Dept., - 4/04 - Civil Rights Violations- dismissed  
Marsha Ash v. City of Wilmington Police – 10/04 - Civil Rights Violations - unsubstantiated  
Gerald Samuels v. Det. Cummings, et al. – 5/03 – Excessive Force - dismissed

Haleem Clark, et al. v. Wilmington Police Dept., - 9/02 - Civil Rights Violations - dismissed  
 Christopher Gibson v. Mayor, et al. - 8/00 - Civil Rights Violations - Jury Verdict for Defense  
 Raymond Green v. City of Wilmington, et al. - 7/02 - Excessive Force - dismissed  
 David Jones v. City of Wilmington, et al. - 12/00 - Race Discrimination - dismissed  
 Crystal Dupree v. City of Wilmington, et al. - 6/00 - Civil Rights Violations- dismissed  
 Alfred Hatchet v. City of Wilmington, et al. - 10/01 - Race Discrimination - unsubstantiated  
 Timothy Smith v. Wilmington Police Dept., - 3/99 - Excessive Force - dismissed  
 Salomie Cooper, et al. v. Officer Villaburdi, et al - 8/00 - Excessive Force- dismissed  
 Harvey Hudson v. City of Wilmington, et al. - 2/00 - Excessive Force- dismissed  
 Joseph Washington v. Robert Curry, et al. - 9/01 - Excessive Force - dismissed  
 Steven Miller v. City of Wilmington, et al. - 3/01 - Excessive Force- dismissed  
 Crystal Spanos v. City of Wilmington, et al. - 8/00 - Excessive Force - dismissed  
 Stanford Burris v. James G. Peiffer, et al. - 4/98 - Excessive Force- dismissed  
 Alton Cannon v. City of Wilmington - 8/99 - Excessive Force - dismissed  
 Michael Szczerba v. City of Wilmington - 5/99 - Race Discrimination - unsubstantiated  
 Dana Williams v. Nancy Dietz, et al. - 1997 - Excessive Force - dismissed

Currently 17 pending cases and 8 settled cases.

3. State for each claim or accusation set forth in the preceding interrogatory:

- a. Whether any federal, state, or other public entity performed any investigation;
- b. The results of any such investigation;
- c. The location of any document in any way referring to any such incident or the investigation of any such claim or accusation.

**ANSWER**

Objection. Defendants object to this Interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, Defendants disclose the following claims which were investigated by the EEOC:

Kurt C. Bryson v. City of Wilmington - 8/05 - Civil Rights Violations  
 Faheem Akil v. City of Wilmington - 5/05 - Civil Rights Violations  
 Marsha Ash v. City of Wilmington Police Dept. - 10/04 - Civil Rights Violations-  
 Alfred Hatchet v. City of Wilmington, et al. - 10/01 - Race Discrimination  
 Michael Szczerba v. City of Wilmington - 5/99 - Race Discrimination

As for any internal investigations conducted within the Wilmington Police Department, the contents and results are prohibited from disclosure by Delaware's Law Enforcement Officers Bill of Rights.

4. Describe the training each individual member of the Wilmington Police Department receives prior to and after becoming an employee of the Wilmington Police Department.

ANSWER

Each individual member of the Wilmington Police Department must graduate from the police academy.

5. Describe any and all training each and every member of the Wilmington Police Department receives either before or after becoming a member of the police department with respect to non-discrimination against individuals on the basis of race, color, national origin or sex.

ANSWER

The Wilmington Police Department provides diversity training as part of the department's academy training. Diversity training is also given throughout the department on occasions.

6. Describe each and every record, including any computer file or other electronic database which sets forth the training which employees of the Wilmington Police Department received concerning discrimination as set forth in the pervious Interrogatory.

ANSWER

Objection. Overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, the White Book contains the comprehensive body of police procedures for the Wilmington Police Department.

7. Identify, describe and state the current location of any video, audio, written or other record of the activities or actions of the Wilmington Police Department or any member thereof, related in any way to Plaintiff DeWayne Walker, Sr., his son, DeWayne Walker, Jr. and/or the suspect, Dwayne Walker, including, but not limited to any 911 or other emergency call recordings, logs or other written records.

ANSWER

The investigative files have been disclosed as part of the Defendants' initial Rule 26 disclosures, as well as Defendants' response to the Interrogatories propounded by Plaintiffs.

8. Identify every record, whether in writing, or consisting of a computer file or other electronic database or any other type of recording which sets forth any depiction or description or contains any reference to the incident which is the subject matter of this lawsuit including any such materials which describe any investigation by any entity of the Government of Wilmington relating to the incident.

ANSWER

See response to Number 7, above.

9. If there at one time existed any document, record or other item which would have been included in response to Interrogatories 7 or 8 above, but which has been destroyed or lost, please state:

- a. The date the item was destroyed or lost;
- b. The reason it was destroyed;
- c. What the item contained.

ANSWER

Defendants have no knowledge of any documents other than those described in Responses 7 and 8 above.

10. Describe, in detail, any prior incidents involving the Wilmington Police (or any investigations by the Wilmington Police) relating to any incident occurring at the Plaintiff DeWayne Walker's residence, and include the date of the incident, the nature of the incident,

and the location of any documents describing or any way relating to the incident.

ANSWER

There are no known incidents prior to September 15, 2005.

11. Identify any other agencies involved in the execution of the subpoena for Plaintiff DeWayne Walker and include:

- a. The names of all police officers in the Walker household;
- b. The names of any other agencies whose representatives, agents or employees entered the Walker household;
- c. Identify any documentation describing how that permission was granted to travel outside the City of Wilmington boundaries to execute the subpoena;
- d. For each individual or agency listed in the foregoing answers, describe what knowledge they have regarding the execution of the subpoena and the identity of DeWayne Walker;
- e. Identify any documents specifically in the affidavits or warrants used to gain entry to the Walker residence;
- f. Identify any audio or video recordings of anything related to the Walker subpoena execution including the identity of any informants or sources of information including, but not limited to, surveillance.

ANSWER

- (a) See Response to #1, above.
- (b) None.
- (c) See signed warrant from Rule 26 Disclosures.
- (d) See warrant affidavit in Rule 26 Disclosure.
- (e) See affidavit and warrant in Rule 26 Disclosure.
- (f) There are no known audio or video recordings.

12. On what authority and what authorization was required, for the Defendant to go outside the City limits of Wilmington to the Walker residence.

ANSWER

The Delaware General Assembly, which passed a statute authorizing all sworn law enforcement officers in Delaware to have statewide law enforcement authority.

13. What notice or communication occurred between the Defendant and any other State, County or Municipality regarding Plaintiff.

ANSWER

No notice or communication was given or required.

14. Describe and identify each officer present at the Plaintiff's residence on the date of execution of the search warrant and provide a narrative of each officer's activity there.

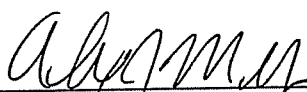
ANSWER

Detective Michael Lawson	Supervisor
Detective Raymond Wyatt, Jr.	Supervisor
Senior Corporal Bruce Coffey	Breecher
Senior Corporal John Ciritella	Breecher
Detective Matt Hall	UMP/1 <sup>st</sup> Floor
Corporal Stephen Brock	Contact/1 <sup>st</sup> Floor
Senior Corporal Bill Gearhart	Contact/2 <sup>nd</sup> Floor
Senior Corporal Ralph Hauck	UMP/ 1 <sup>st</sup> Floor
Senior Corporal Shawn Gordon	Contact/ 1 <sup>st</sup> Floor
Senior Corporal Gene Solge	UMP/2 <sup>nd</sup> Floor
Senior Corporal Dave Simmons	Contact/ 2 <sup>nd</sup> Floor
Senior Corporal Damian Vice	K9/Assist Perimeter
Master Sergeant Scott Sowden	UMP/support 2 <sup>nd</sup> Floor
Sergeant Dennis O'Connor	Support 2 <sup>nd</sup> Floor
Master Sergeant Kyle Rogers	Support 2 <sup>nd</sup> Floor
Master Sergeant Tom Spell	Support 1 <sup>st</sup> Floor
Corporal Matt Severance	Support 1 <sup>st</sup> Floor

Corporal Joe O'Neil  
Senior Corporal Tom Curley  
Senior Corporal Donnie Witte  
Corporal George Pigford  
Corporal Jeffrey Silvers  
Corporal Stephen Misetich

K9/Rear Perimeter  
Support Rear Perimeter  
k9/front perimeter  
Support Front Perimeter  
Involved in dealing with the confidential informant.

CITY OF WILMINGTON LAW DEPARTMENT

  
\_\_\_\_\_  
Alex J. Mili, Jr., Esquire (I.D. #4125)  
Senior Assistant City Solicitor  
Louis L. Redding City/County Building  
800 N. French Street, 9<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 576-2175  
Attorney for Defendants

DATE: November 3, 2006



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DeWAYNE WALKER, SR., KAREN :  
WALKER, his wife, D.W. Jr., minor child :  
and T. W., minor child, :

Plaintiffs, :

v. :

C.A. NO. 06-288 \*\*\*

THE CITY OF WILMINGTON, a political :  
subdivision of the State of Delaware, :  
DETECTIVE MICHAEL R. LAWSON, JR., :  
individually and in his official capacity, and :  
UNKNOWN ENTITIES, :

Jury Trial Demanded

Defendants. :

AFFIDAVIT OF DEWAYNE WALKER, SR.

DeWayne Walker, Sr., being duly sworn according to all, deposes and says:

1. I am a Plaintiff in the captioned action.
2. Since 1996, I have lived with my family at 118 Dutton Drive, Eagle Glen, Wedgewood, New Castle, Delaware.
3. When I purchased my home, electrical power was supplied by Conectiv Power Company.
4. According to my recollection and research, Conectiv Power changed its name to Delmarva Power in 2005, and began sending bills in the name of Delmarva Power in or about August 2005, as set forth in the attached press release. (Ex. A)
5. At all times the bills for electrical service which were sent to me from either Conectiv and/or Delmarva Power were addressed to DeWayne Walker, 118 Dutton Drive.

6. Attached hereto (as Exhibit B) is a true and correct copy of the billing statement from Delmarva Power from January of 2007 sent to me, DeWayne Walker, at 118 Dutton Drive.

7. I am aware of the incident which resulted in a complaint being filed by my wife in September of 2003 which is reflected in the "Criminal Justice Information System pending Complaint Incident Inquiry" set forth at page A-45 of the Appendix to the Defendant's Opening Brief in Support of their Motion for Summary Judgment.

8. This report concerned the theft of my son's (DeWayne Walker, Jr.), bicycle in September of 2003. The bicycle was taken from Wilton Park off Appleby Road in New Castle, and not from our residence at 118 Dutton Drive, which is not in Wilton Park.

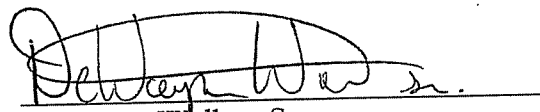
9. The report at page A-45 incorrectly shows my son's name as "Dwayne" Walker, but correctly notes he has no middle name (NMN) and is a "Junior" (J).

10. The report also incorrectly states that both my wife and my son's address is 118 Dutton Court, while, in fact, our residence is not on Dutton Court, but rather on Dutton Drive.

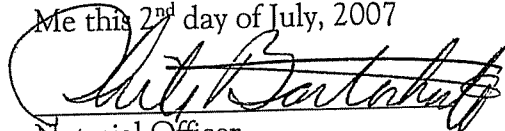
11. The report also does not set forth a date of birth for my son, DeWayne Walker, Jr.

12. At no time have I or my wife owned or driven a Nissan Maxima, nor was such a vehicle at my house from on or about September 13 through 15, 2005.

13. Neither I nor my son have ever used the name "Dwayne" Walker or have ever been known by that name.

  
DeWayne Walker, Sr.

Sworn and Subscribed before  
Me this 2<sup>nd</sup> day of July, 2007

  
Notarial Officer

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## EXHIBIT A



A PHI Company

We're connected to you by more than power lines.

Welcome to Delmarva Power ▾

Your Home ➤

Your Business ➤

About Delmarva Power

Community & Environment

News & Information

FERC Standards of Conduct

Visit PHI

## Monthly Bills Now Carry Delmarva Power Name

Monday, July 25, 2005

### FOR IMMEDIATE RELEASE

Contact: Bill Yingling: 302-283-5811

Bill.Yingling@pepcoholdings.com

*Part of Ongoing Brand Change Emphasizing Local Commitment*

**WILMINGTON, Del.** - As part of the ongoing change in its brand name, Delmarva Power has begun mailing monthly gas and electric bills that carry the new Delmarva Power name instead of the old Conectiv Power Delivery name.

While Delmarva Power first announced the name change March 31, the company has been changing the name gradually to minimize costs.

For customers, there's no need for concern. Although we are changing our brand name, we remain the same company and will provide the same safe and reliable service as always. Customers will use the same phone numbers and addresses to contact us. And if they participate in budget billing or direct debit payment plans, they won't have to make any changes to stay enrolled.

Customers can now write the new company name on their check when they receive their bill and make payment. Any customers who mistakenly write the old Conectiv Power Delivery name on their check need not worry. Those checks will still be accepted as payment. But we do ask customers to get in the habit of using the new name.

Some customers received bills in July that carry the old Conectiv Power Delivery name. Customers should not discard that bill since it is their regular monthly bill. As a rule of thumb, the company name on the bill should be the same name to which they make payment on their checks.

"As we go through the process of changing our name, our goal is to minimize the impact on our customers," said Gary Stockbridge, President of Delmarva Power. "With that in mind, we hope to complete this transition by the end of the year."

###

Delmarva Power, a subsidiary of Pepco Holdings, Inc. (NYSE: POM), provides safe, reliable and affordable regulated electric and natural gas delivery services to more than 500,000 customers in Delaware, Maryland and Virginia.

Copyright © 2006 Delmarva Power. All rights reserved.

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## **EXHIBIT B**



KAREN WALKER  
DEWAYNE WALKER  
118 DUTTON DR  
NEW CASTLE DE 19720-5454

SAHO  
100018609

PAGE 2  
Account Number:  
2717 7609 9993

Service Location:  
118 DUTTON DR  
NEW CASTLE DE 19720

### Electric Meter Information

Meter Number 189010963

Current Meter Reading, Dec 27 (actual)  
Last Meter Reading, Nov 22 (actual)  
Total KWHs Used

003555  
001465  
2090

Your Next Scheduled Meter Reading is Jan 23, 2007

### Electric Delivery Charges

Current charges for 35 days - Winter Rates in Effect - Residential Service

For Account 2717 7609 9993, the class average annual price to compare is 11.11 cents per kWh

Delivery Charges:

Customer Charge

Distribution Charge: First	500 kWh X \$0.022976 Each kWh	\$	7.36
Last	1590 kWh X \$0.022976 Each kWh	\$	11.49
<b>Total Electric Delivery Charges</b>		\$	<b>36.53</b>
		\$	<b>55.38</b>

Supply Charges:

Transmission Charge:	2090 kWh X \$0.003464 Each kWh	\$	7.24
Standard Offer Service Charge: First	500 kWh X \$0.116809	\$	58.39
Last	1590 kWh X \$0.099577	\$	158.31
<b>Total Electric Supply Charges</b>		\$	<b>223.94</b>

**Total Electric Charges**

\$ **279.32**

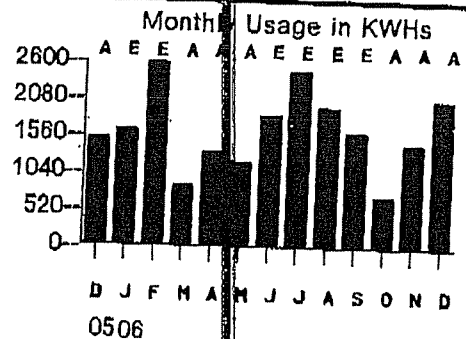
### Your Electric Energy Comparison

Daily Averages:

	Dec 05	Dec 06
Temp:	35°	44°
KWH:	44.4	59.7

Letters above graph  
denote reading type

A - Actual  
E - Estimated  
C - Corrected  
U - Customer



B-36



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

V.

DWAYNE A WALKER

DOB: 12/10/1982

SBI: 00354596

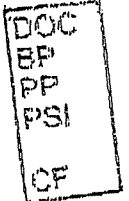
CASE NO. 0106020017-8

CR.A. NO. IN01070758

CHARGE: POSSW/I1000'SCH

HEROIN

CHARGE DISP: PLED GUILTY



SENTENCE ORDER

NOW, THIS 10TH DAY OF OCTOBER, 2001, IT IS THE ORDER OF THE COURT THAT:

THE DEFENDANT IS ADJUDGED GUILTY OF THE OFFENSE CHARGED.

THE DEFENDANT IS TO PAY THE COST OF PROSECUTION.

THE DEFENDANT IS TO PAY A FINE IN THE AMOUNT OF \$2000.00 PLUS AN EIGHTEEN PERCENT (18%) SURCHARGE FOR THE 'VICTIM COMPENSATION FUND' AND A FIFTEEN PERCENT (15%) SURCHARGE FOR THE 'SUBSTANCE ABUSE REHABILITATION, TREATMENT, EDUCATION AND PREVENTION FUND.' FINES ARE HEREBY SUSPENDED.

EFFECTIVE September 14, 2001, THE DEFENDANT IS PLACED IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION AT SUPERVISION LEVEL 5 FOR A PERIOD OF 15 YEARS.

THIS SENTENCE IS SUSPENDED AFTER SERVING 4 YEARS AT SUPERVISION LEVEL 5 AND UPON SUCCESSFUL COMPLETION OF THE KEY TREATMENT PROGRAM FOR 11 YEARS AT SUPERVISION LEVEL 4- CREST. UPON SUCCESSFUL COMPLETION OF THE CREST TREATMENT PROGRAM, THE SENTENCE IS SUSPENDED FOR 10 YEARS AT SUPERVISION LEVEL 3. AFTER SERVING 3 YEARS AT SUPERVISION LEVEL 3, THE SENTENCE IS SUSPENDED FOR 7 YEARS AT SUPERVISION LEVEL 2.

THE DEFENDANT IS TO BE HELD AT SUPERVISION LEVEL 5 UNTIL SPACE IS AVAILABLE AT SUPERVISION LEVEL 4.

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STATE OF DELAWARE V. DWAYNE A WALKER  
0109010116

AS TO THE CHARGE OF PN01091675, POSS,USE,CONS.N,  
HEROIN

IT IS THE ORDER OF THE COURT THAT:

THE DEFENDANT IS ADJUDGED GUILTY OF THE OFFENSE  
CHARGED.

THE DEFENDANT IS TO PAY THE COST OF PROSECUTION.

THE DEFENDANT IS TO PAY A FINE IN THE AMOUNT OF \$1000.00 PLUS  
AN EIGHTEEN PERCENT (18%) SURCHARGE FOR THE 'VICTIM COMPENSATION'  
FUND' AND A FIFTEEN PERCENT (15%) SURCHARGE FOR THE 'SUBSTANCE ABUSE  
REHABILITATION, TREATMENT, EDUCATION AND PREVENTION FUND.' FINES ARE  
HEREBY SUSPENDED.

THE DEFENDANT IS PLACED IN THE CUSTODY OF THE DEPARTMENT OF  
CORRECTION AT SUPERVISION LEVEL 5 FOR A PERIOD OF 2 YEARS.

THIS SENTENCE IS SUSPENDED FOR 2 YEARS AT SUPERVISION LEVEL 3.

THE NON-INCARCERATIVE PORTION OF THIS SENTENCE SHALL BE SERVED  
CONCURRENTLY WITH THE NON-INCARCERATIVE PORTION OF THE SENTENCE  
IMPOSED IN CR.A. NO. 01-07-0758..

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STATE OF DELAWARE V. DWAYNE A WALKER  
0109010116

AS TO THE CHARGE OF IN01091677, CONSP 2ND,  
IT IS THE ORDER OF THE COURT THAT:

THE DEFENDANT IS ADJUDGED GUILTY OF THE OFFENSE  
CHARGED.

THE DEFENDANT IS PLACED IN THE CUSTODY OF THE DEPARTMENT OF  
CORRECTION AT SUPERVISION LEVEL 5 FOR A PERIOD OF 2 YEARS.

THIS SENTENCE IS SUSPENDED FOR 2 YEARS AT SUPERVISION LEVEL 3.

THE NON-INCARCERATIVE PORTION OF THIS SENTENCE SHALL BE SERVED  
CONCURRENTLY WITH THE NCN-INCARCERATIVE PORTION OF THE SENTENCE  
IMPOSED IN CR.A. NO. 01-07-1675..

2007 JUL 21 15:35

APPROVED BY JUDGE

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## IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

## IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

V.

DWAYNE A WALKER

DOB: 12/10/1982

SBI: 00354596

) CASE NO. 0102003251

) CR.A. NO. VN0102095501

) CHARGE: VIOL O/PROBATN

) ORIG. CHARGE: PWITD NSI CS

)

VIOLATION OF PROBATION

NOW THIS 10TH DAY OF OCTOBER, 2001, IT IS THE ORDER OF THE COURT THAT:

THE DEFENDANT IS ADJUDGED GUILTY OF VIOLATION OF THE PROBATION SENTENCE ORDERED IN THE ABOVE STATED ACTION AND SUCH PROBATION IS HEREWITH:

DISCHARGED AS UNIMPROVED.

FINANCIALS TO BE COLLECTED UNDER NEW SENTENCE.

20070702 16:47

20070702 16:47

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STATE OF DELAWARE V. DWAYNE A WALKER,  
0106020017 0109010116 0102003251

THE FOLLOWING CONDITIONS SHALL APPLY TO THIS SENTENCE, THE  
DEFENDANT SHALL:

PAY FINANCIAL OBLIGATIONS DURING THE PROBATIONARY PERIOD.

PAY TO THE DEPARTMENT OF CORRECTION, A MONTHLY FEE TOWARD THE  
COST OF SUPERVISION IN ACCORDANCE WITH A SCHEDULE SET BY THE  
DEPARTMENT OF CORRECTION.

NOT DRIVE FOR 2 YEARS.

BE ASSIGNED TO THE RESIDENTIAL DRUG/ALCOHOL PROGRAM UNTIL SUCH  
PROGRAM IS COMPLETED.

BE ASSIGNED TO THE OUTPATIENT DRUG/ALCOHOL PROGRAM UNTIL SUCH  
PROGRAM IS COMPLETED.

BE EVALUATED FOR SUBSTANCE ABUSE AND FOLLOW ANY DIRECTIONS FOR  
COUNSELING, TESTING, OR TREATMENT BY THE DEPARTMENT OF CORRECTIONS.

  
JUDGE RICHARD S. GEBELEIN

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**In the Matter Of:**

**Walker**

**v.**

**City of Wilmington, et al.**

**C.A. # 06-288**

---

**Transcript of:**

**Karen Walker**

**February 21, 2007**

---

Wilcox and Fetzer, Ltd.  
Phone: 302-655-0477  
Fax: 302-655-0497  
Email: [depos@wilfet.com](mailto:depos@wilfet.com)  
Internet: [www.wilfet.com](http://www.wilfet.com)

Walker v. City of Wilmington, et al.

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DeWAYNE WALKER, SR., KAREN )  
WALKER, his wife, D.W., JR., )  
minor, and T.W., minor child, )  
Plaintiffs, )  
v. ) Civil Action  
THE CITY OF WILMINGTON, a ) No. 06-288  
political subdivision of the )  
State of Delaware, DETECTIVE )  
MICHAEL R. LAWSON, JR., )  
individually and in his )  
official capacity, and )  
UNKNOWN ENTITIES, )  
Defendants. )

Deposition of KAREN WALKER taken pursuant to  
notice at the City of Wilmington Law Department,  
800 N. French Street, 9th Floor, Wilmington,  
Delaware, beginning at 10:00 a.m. on Wednesday,  
February 21, 2007, before Lucinda M. Reeder,  
Registered Diplomate Reporter and Notary Public.

APPEARANCES:

PHILIP B. BARTOSHESKY, ESQ.  
Biggs and Battaglia  
921 Orange Street  
Wilmington, Delaware 19801  
for the Plaintiffs,

ALEX J. MILI, JR., ESQ.  
City of Wilmington Law Department  
800 N. French Street, 9th Floor  
Wilmington, Delaware 19801  
for the Defendants.

-----  
WILCOX & FETZER, LTD.  
1330 King Street - Wilmington, Delaware 19801  
(302) 655-0477  
www.wilfet.com

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## Walker v. City of Wilmington, et al.

Page 2

1 (K. Walker Deposition Exhibit Nos. 1, 2  
2 and 3 were marked for identification.)  
3 -- -- --

4 KAREN WALKER,  
5 the witness herein, having first been  
6 duly sworn on oath, was examined and  
7 testified as follows:

8 BY MR. MILI:

9 Q. Let's start with some background information  
10 about you. What do you do for a living?

11 A. Currently, I'm a manager of a low income  
12 housing development.

13 Q. Which low income housing development?

14 A. Crosby Square.

15 Q. Where is that?

16 A. That's in Chester, PA.

17 Q. How long have you been doing that?

18 A. Three months.

19 Q. What did you do before that?

20 A. I was actually a counselor at Connections here  
21 in Wilmington, Delaware.

22 Q. What's your education and formal training,  
23 starting with high school and work your way up?

24 A. Okay. After high school, I attended Cheyney

Page 3

1 University for two years and later pursued a year at  
2 Wilmington College. So I am a little short on my  
3 bachelor's, but I plan to take an accelerated course  
4 here at Springfield and actually get my master's.

5 Q. What other professional training do you have?

6 A. At Connections, I actually receive drug and  
7 alcohol counseling, administer medication. What else?  
8 Let's see. I'll think of it in a minute.

9 Q. That's fine. I am just trying to get some  
10 background. How long have you lived at Dutton Court?

11 A. Dutton Drive, about ten years.

12 Q. Where did you live before that?

13 A. Toby Farms. That's in Upland, Pennsylvania.

14 Excuse me. Brookhaven, Pennsylvania.

15 Q. Let's get into some of the allegations that  
16 have been made. As you know, we're here today because  
17 a lawsuit was filed on your behalf about a SWAT raid  
18 that happened at your house September of '05. I have  
19 marked as K. Walker 1 a document that's the document  
20 your attorney prepared on your behalf, obviously,  
21 setting forth the allegations of your version and your  
22 family's version of what supposedly happened on this  
23 date.

24 I want to ask you some questions about some

Page 4

1 specifics in there. The paragraphs are numbered. I  
2 would like to start with the number 8. Take a second  
3 to read it because I want to ask you about it.

4 A. Okay.

5 Q. Where were you in the house when the police  
6 came through the front door?

7 A. I was actually in the laundry room/coat closet,  
8 and I was about to put on my ^ daughter's coat when  
9 they came in. And looking at this, I see it says  
10 approximately 6:05, but it had to be before

11 6:00 o'clock because I leave out at 6:00. And my  
12 son's alarm clock goes off at 6:00 for him to wake up.

13 Q. So the statement in there is wrong?

14 A. By probably about ten minutes, the time.

15 Q. Okay. When did you realize that that statement  
16 was wrong?

17 A. When I read it.

18 Q. Where did the statement come from?

19 A. It came from my husband.

20 Q. Okay. He was wrong?

21 A. He wasn't as accurate. I wouldn't say,

22 "Wrong." He just wasn't to the minute.

23 Q. Explain to me the relationship, the spatial  
24 relationship of the laundry room to the front door.

Page 5

1 A. Sure. There is a little entryway when you  
2 first come into my house, and directly in front of you  
3 you would see the laundry room and coat closet. So I  
4 was standing there when they came in.

5 Q. Was the front door in your line of sight from  
6 where you were standing?

7 A. Yes.

8 Q. Did you have to turn your head?

9 A. Yes, I had to turn around because I had my back  
10 turned.

11 Q. Was the door locked or unlocked?

12 A. It was locked.

13 Q. How did they get in?

14 A. When I -- I turned around because I heard this  
15 boom come through the door, and all I could see was  
16 red lights everywhere. I was like, you know, "Oh, my  
17 God! You know, what's going on, what's going on?"  
18 They kept saying, "Get down, get down, get down." And  
19 one or two of them came into the laundry room with a  
20 gun pointed at my daughter's and my head and said,  
21 "Stay down."

22 Q. Did they identify themselves, say who or what  
23 they are?

24 A. You know, I am not sure if they said "SWAT" or

2 (Pages 2 to 5)



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1 I just knew it was SWAT because they had their faces  
2 covered.  
3 Q. Okay. Did they have anything on their clothing  
4 that would say either "POLICE" or "SWAT" or anything  
5 at all?  
6 A. It was still dark outside, and I had, you know,  
7 really didn't -- the foyer was still dark and I just  
8 had the light on in the closet in the, you know, coat  
9 closet/laundry room where I was, so I really couldn't  
10 see them. All I could see was the red lights. So I  
11 didn't make out anything on their clothing, no.  
12 Q. Did they order you to do anything when they  
13 came in?  
14 A. To stay down.  
15 Q. Did you?  
16 A. Yes.  
17 Q. Then what did they do?  
18 A. It was a lot of them, and then they just  
19 started to go throughout the house. And, you know,  
20 I'm staying down because a gun is pointed at my head  
21 while they go throughout the house.  
22 Q. Did they ask you if there was anybody else in  
23 the house?  
24 A. Again, I am not sure whether they asked me or I

Page 7

1 just instinctively as a mother said, "You know, my son  
2 is upstairs; you know, what's going on? Why are you  
3 here, you know?" So I -- while I was down, they  
4 automatically went down to the basement where my  
5 husband was. So I didn't have to say he was there;  
6 they saw him down there.  
7 Q. Did they eventually bring him upstairs?  
8 A. Yes.  
9 Q. You said earlier your son was upstairs?  
10 A. Yes.  
11 Q. Did they eventually bring him downstairs?  
12 A. Yes. They, of course, the SWAT team wouldn't  
13 answer anything. They just, you know, cleared out,  
14 and then, I don't know, I guess it might have been  
15 about ten minutes later Officer Lawson, you know, came  
16 in and asked me to have a seat in the family room.  
17 And I said, "What's going on?" He didn't want to  
18 answer any questions, you know, he said, here, answer  
19 them once everyone is there.  
20 Q. All I asked you --  
21 A. Oh.  
22 Q. -- is did they bring your son downstairs?  
23 A. Oh. I'm sorry.  
24 Q. Okay. Let's go on to paragraph 11, the same

Page 8

1 document. Go ahead and read it, and I'm going to ask  
2 you some questions about it.  
3 A. You said 11, correct?  
4 Q. Yeah.  
5 A. Okay.  
6 Q. You looked kind of puzzled when you read it.  
7 A. Oh.  
8 Q. Did something stick out at you?  
9 A. Well, my husband was in the basement, and I was  
10 upstairs, so I wasn't there when he was talking to my  
11 husband. That's what the paragraph is, basically,  
12 about.  
13 Q. Okay. You said Detective Lawson. How did you  
14 know the detective's last name was Lawson?  
15 A. From reading this information.  
16 Q. Okay. So on that morning, you didn't know his  
17 name?  
18 A. Oh, of course, not. Never seen him before.  
19 Didn't know anything.  
20 Q. He didn't give you a business card?  
21 A. When he left.  
22 Q. Did it have his name on it?  
23 A. Yes.  
24 Q. Did he explain to you why he was there?

Page 9

1 A. Yes. He actually said that there had been a  
2 crime committed in Wilmington and that I had the  
3 same -- that my middle name is Alisha and that the  
4 person who committed the crime mother's name was  
5 Alisha Walker, and that the person's who committed the  
6 crime name was Dwayne Walker, and that's why they were  
7 there.  
8 Q. What's your husband's DeWayne?  
9 A. DeWayne.  
10 Q. What's his last name?  
11 A. Walker.  
12 Q. Isn't that the same name of the suspect you  
13 just told me about?  
14 A. There is a lot of people with the same name in  
15 the world, but that doesn't mean that their home  
16 should be invaded.  
17 Q. Actually my question was isn't the suspect's  
18 name the same, first and last name, as your husband's  
19 first and last name?  
20 A. Well, I don't remember receiving anything in  
21 here or in the mail in reference to the person who  
22 committed the crime, to tell you the truth.  
23 Q. You don't know his last name?  
24 A. Yeah, it is Walker, but I am not sure of his

3 (Pages 6 to 9)

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1 first name.  
2 Q. You are still not sure of his first name, even  
3 today.  
4 A. Well, I believe the spelling is different than  
5 the way my husband and son spell their name.  
6 Q. What do you believe is different about it?  
7 A. I don't -- I don't think it's spelled the same,  
8 like -- I don't know how his is spelled, but I  
9 don't -- I believe that -- I don't think it's spelled  
10 D-e-W-A-Y-N-E.  
11 Q. How do you believe it's spelled? What do you  
12 think is different?  
13 A. I think it's just D-W-A-Y-N-E. I'm not sure  
14 where I seen it, but I don't believe it's the exact  
15 spelling.  
16 Q. Is it off by one letter or more than one  
17 letter?  
18 A. At least one letter.  
19 Q. Possibly more?  
20 A. Possibly more.  
21 Q. Now, when we left off, we were talking about  
22 you were gathering in the family room. Let me back  
23 up. Was is it the family room or the laundry room  
24 where they brought your husband up?

Page 11

1 A. The family room. First, they had told me I  
2 could get up off my knees and sit in the family room.  
3 Q. Okay. Then they brought your husband up from  
4 the basement, you said. Where did they bring him?  
5 A. In the family room.  
6 Q. Your son is upstairs. You said they eventually  
7 brought him down. Where did they bring him?  
8 A. To the family room.  
9 Q. At what point did Detective Lawson talk to your  
10 whole family gathered in the family room?  
11 A. Once they brought my son downstairs, because  
12 they brought my husband up and then they brought my  
13 son down.  
14 Q. What did Detective Lawson say to you?  
15 A. I believe I answered that, but I'll answer it  
16 again. He said that they were there because a crime  
17 was committed in Wilmington and that my name is  
18 Alisha -- Karen Alisha Walker and that the suspect's  
19 mother's name is Alisha Walker -- and we found that  
20 later to be false because her name isn't Alisha  
21 Walker -- and that they had reason to believe that the  
22 suspect was in the Wilton. And our home is not in the  
23 Wilton.  
24 Q. Is it near Wilton?

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1 A. It's near the Wilton, but it's not in the  
2 development called Wilton.  
3 Q. Is it behind the Wilton?  
4 A. No, it's not behind the Wilton. It's after you  
5 pass the Wilton.  
6 Q. Can you give me -- I won't hold you to an exact  
7 number, but -- can you give me an approximation of how  
8 many miles away it is from Wilton?  
9 A. Half a mile.  
10 Q. We'll come back to that document in a minute.  
11 Let me go to the one that's marked No. 2. It will  
12 say, "K. Walker-2" in the bottom.  
13 A. Oh.  
14 Q. I already asked your husband about the photos,  
15 so we won't get into that again. Go on to page 2,  
16 paragraph 2, subparagraph A, a written statement that  
17 the Walkers prepared within days of the incident. I  
18 had actually asked your attorney to provide me with  
19 that statement during your husband's depo and haven't  
20 received it yet. Is there any reason why you don't  
21 want me to see that statement?  
22 A. No. Excuse me. Could you clarify the question  
23 once again?  
24 Q. Okay. This is a document that your attorney

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1 prepared on your behalf answering the question in bold  
2 No. 2 that asks for: "Description of documents in  
3 custody, control of plaintiffs" -- that's you, your  
4 family -- "that may be used to support their claim."  
5 The answer your attorney gave us is, in A: "Written  
6 statement the Walkers prepared within days of the  
7 incident." Does such a statement exist?  
8 A. So the question is: Did our attorneys ask us  
9 to write a statement within days after the incident  
10 and did we write it?  
11 Q. No, no. The question is your attorneys  
12 prepared a response on your behalf saying there is a  
13 written statement of the Walkers prepared within days  
14 of the incident. My question to you is: Is there  
15 such a written statement?  
16 A. If our attorneys asked us to do it, we did  
17 everything that they asked us. This was awhile ago,  
18 so I, you know, don't remember back then because we  
19 would have gave it to him.  
20 Q. Do you have any objection to me seeing this  
21 written statement?  
22 A. No.  
23 MR. MILL: Okay. For the record, I want to  
24 make my second request for this written statement in

4 (Pages 10 to 13)



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1 case my first request wasn't clear enough.  
2 BY MR. MILL:  
3 Q. Do you have any idea what written statement  
4 might be referred to on this document?  
5 A. Are you saying a written statement about the  
6 accounts of the day in question?  
7 Q. Yeah, did you write something? Did you sit  
8 down at a computer and write something --  
9 A. Yes, yes.  
10 Q. -- or sit down and write --  
11 A. Yes, yes, yes, yes.  
12 Q. How many statements?  
13 A. I believe my husband and I did it together.  
14 Q. Did anyone else besides you and your husband  
15 help you with it?  
16 A. No. I mean, we probably put my son's input in  
17 it as well since, you know, he was involved. But, no,  
18 nobody else helped us with it, no.  
19 Q. Did you do it on a computer or did you  
20 handwrite it?  
21 A. Computer.  
22 Q. Did you print it out?  
23 A. Yes.  
24 Q. Save it somewhere?

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1 A. I know we printed it out. Now, whether it's  
2 still saved, my husband deals with the computer more  
3 than I do.  
4 Q. We'll come back to that. Let's go on to No. 3.  
5 No, not No. 3 of this document. Let's go on to  
6 document No. 3. It will say, "K. Walker" -- in the  
7 bottom right-hand corner, it will say, "K. Walker-3,"  
8 or you can look at the court reporter's copy.  
9 A. Thank you.  
10 Q. In that document, there is a series of  
11 questions with answers that were prepared on your  
12 behalf. I want to get clear on question No. 1, which  
13 asks about the doctors. I want to know which doctor  
14 belongs to which family member. So let's go through  
15 them. Whose doctor is Dr. Morris?  
16 A. I see Dr. Morris.  
17 Q. When did you begin seeing Dr. Morris?  
18 A. He's been my family physician for about 12, 14  
19 years.  
20 Q. After this incident, the SWAT incident on  
21 September '05, have you treated with Dr. Morris?  
22 A. No. Since that incident, Dr. Lazar and  
23 Dr. Travani.  
24 Q. Let's go through one by one. What does

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1 Dr. Lazar do for you?  
2 A. Actually, I just went to her because I was  
3 getting flu symptoms more, you know, just really  
4 tired. But Dr. Travani is the one we have been seeing  
5 on an ongoing basis because it just helps to see  
6 someone to talk to after you've experienced something  
7 traumatic.  
8 Q. What does she do for you?  
9 A. Actually, Dr. Kosma is her associate, and we  
10 see him more. And he puts us in a relaxation state.  
11 He asks us, you know, how are we feeling since the  
12 incident. And it's very helpful when you can explain  
13 to someone that, in my particular case, I used to be a  
14 sound sleeper. I used to sleep all night, but now I  
15 wake up in the middle of the night and I feel like my  
16 home is not a home anymore; it's just four walls and  
17 not a sanctuary because it was invaded. And so  
18 consequently, I don't rest properly. And when I go  
19 there, he puts on a relaxation tape and it just, it  
20 just helps. It just helps.  
21 Q. You had your eyes closed when you answered that  
22 for me.  
23 A. I'm sorry.  
24 Q. Is there a reason why you do that? I'm just

Page 17

1 curious.  
2 A. Oh. You know what, I don't know. Because when  
3 I said Dr. Kosma, I just thought about when I'm in his  
4 office and I guess I'm closing my eyes. I didn't do  
5 it purposely. I'm sorry.  
6 Q. No. No, I was just wandering, you didn't want  
7 to look me in the eye or anything.  
8 A. Oh, no, no, no.  
9 Q. Okay. So it's Dr. Cosmo gives you more  
10 treatment than Dr. Tavani, is that the bottom line?  
11 A. Right.  
12 Q. Or does she do anything in addition to what  
13 Dr. Cosmo does?  
14 A. No, they do about the same.  
15 Q. Is this a family group session or is it just  
16 you?  
17 A. It's just myself. My husband and I have been  
18 there together. And for the record, sometimes I do  
19 close my eyes when I talk, when I'm really thinking in  
20 thought.  
21 Q. Okay. Have you, I guess, since the  
22 September of '05 incident -- I don't want to have to  
23 embarrass you by asking you this question, but it is  
24 kind of relevant -- have you had any difficulty with

5 (Pages 14 to 17)

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1 marital intimacy with your spouse?

2 A. Yes.

3 Q. What kind of difficulty?

4 A. Well, we're both pretty stressed out, so it's  
5 just, it's just, it's just, it's just -- let me see  
6 what words I can put this in.

7 Q. Take your time.

8 A. Well, my husband is stressed, so he doesn't  
9 perform as he used to, and I am stressed, so I am  
10 really not in the mood as I used to be because I am  
11 not getting proper rest. And there is a lot of -- I  
12 think as a man he feels as though he should have been  
13 able to protect us in some way, and so he has a lot of  
14 frustration and anxiety. And I just don't feel at  
15 peace in my own home any longer.

16 Q. Did you have these kind of problems with the  
17 intimacy back when he filed for bankruptcy in the late  
18 '90s?

19 A. That was exactly seven years ago, and no.

20 Q. What was that all about, the bankruptcy?

21 A. I actually was in between jobs at the time,  
22 and, of course, most families need two incomes to  
23 survive, and so we saw an attorney and laid out our  
24 debts, and they suggested that we file.

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1 Q. Did you have a lot of debts at that time?

2 A. Mainly credit card debt. We, of course, have  
3 our home, which we always made the payment on, and --  
4 oh, I know. Okay. And also we had a rental property  
5 where the tenant didn't pay her rent, so we were  
6 having to pay two mortgages.

7 Q. Did you have to use your credit cards to pay  
8 the second mortgage?

9 A. No, but after we paid the second mortgage, we  
10 didn't have money to pay our credit card bills.

11 Q. So did you have to --

12 A. Because the person --

13 Q. -- use the credit card for the incidentals --  
14 sorry. Finish your answer.

15 A. I'm pretty much finished with what happened  
16 seven years ago.

17 Q. All right. I guess you said earlier about the  
18 credit card debt --

19 A. Mm-hmm.

20 Q. -- which is part of what prompted the  
21 bankruptcy.

22 A. Well, actually what prompted the bankruptcy is  
23 our tenant not paying her rent. And so since we had  
24 already invested thousands of dollars in the house, we

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1 tried to pay two mortgages and, consequently, trying  
2 to pay two mortgages got us back in our credit card,  
3 debt which they added on late fees and over the limit  
4 fees, and so we sought the advice of an attorney and  
5 that was their advice.

6 Q. Let's go back to the document No. 3. I think  
7 you still have it in front of you. I want to go on to  
8 question No. 5, which is a few pages in. I'll let you  
9 read it and read the answers. Then I'll ask you some  
10 questions about it.

11 A. Okay.

12 Q. All right. The second sentence in the answer,  
13 it says, "Relationships with close neighbors have  
14 deteriorated." Which neighbors are you talking about?

15 A. Really, all of them. All of our immediate  
16 neighbors. Whereas we used to sometimes engage in  
17 conversation, basically, now, it's just a wave. But  
18 specifically, I would like to say, there was a young  
19 man, Derrick, whom my son was a close acquaintance  
20 with, and after the event, my son said to me, 'Mom,  
21 you know, Derrick won't talk to me. Derrick isn't  
22 allowed to talk to me. And he told everyone on the  
23 bus that we were selling drugs and the SWAT team came  
24 and invaded, you know, our house. And so he's not

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1 allowed to talk to me."

2 Q. Do you recall if there was an article in the  
3 News Journal about this whole raid at your house?

4 A. Yes. Not that there -- I mean, someone at work  
5 told me that it was on a Saturday it was in the paper,  
6 that they saw where we were -- there was a court case  
7 involving us and the City of Wilmington for a home  
8 invasion.

9 Q. And did you read this article?

10 A. Yes.

11 Q. Do you remember what the article said about  
12 whether the raid at your house was a mistake or not?

13 A. No, I don't remember the article in detail.

14 Q. Following along with that same answer that we  
15 were looking at, that I was asking you about. It goes  
16 on to say that "Neighbors have suddenly relocated."

17 A. Right. Derrick and his family have moved.

18 Q. Do you think they moved because of this raid?

19 A. I think that it would be a contributing factor  
20 that they probably felt as though they lived in a  
21 neighborhood that might be unsafe to their children if  
22 they have people doing drug trafficking in the area.

23 Q. What's Derrick's last name?

24 A. I'm sorry. I can't think of it.

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6 (Pages 18 to 21)

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Page 22

1 Q. Okay.  
2 A. But I can find it out.  
3 Q. Could you, please?  
4 A. Certainly.  
5 Q. All right. Do you know what house number  
6 Derrick lived in?  
7 A. It was the corner of Fowler, directly across  
8 the street from me.  
9 Q. Could you spell Fowler?  
10 A. Yes, F, like frank, O-W-L-E-R.  
11 Q. Derrick was the son?  
12 A. Yes.  
13 Q. Your son's age?  
14 A. Yes.  
15 Q. Do you know what Derrick's parents' names were?  
16 A. Oh, my goodness. I'm not good with names.  
17 Q. Were these the close neighbors that you were  
18 talking about earlier in the answer? You said  
19 relationship --  
20 A. Sir, I am not good with names. My son was  
21 close with them. I'm a working mother. I don't have  
22 very much time to socialize, but my son did. That was  
23 his good friend.  
24 Q. Okay. So I guess that gives me --

Page 23

1 A. But--  
2 Q. Oh, go ahead.  
3 A. But the neighbors on the left are Otis,  
4 O-T-I-S, and the neighbors to the right of me are  
5 Mr. and Mrs. Kohler. I believe it's K-O-H-L-E-R. And  
6 then the neighbor on the other side is Ms. Becky  
7 Betts. And she actually asked me what was going on  
8 because the neighbors are calling her, since she --  
9 since they know her and I are close, because the SWAT  
10 team was actually in their backyard that morning as  
11 well. They surrounded the whole house, and they were  
12 in the people's next door backyard as well.  
13 Q. So I guess -- you just told me earlier, you're  
14 a working mother, you don't have time to socialize.  
15 So help me out, then. Who are the close neighbors --  
16 A. Okay. No, I didn't say --  
17 Q. Can I --  
18 A. I don't have time to socialize with everyone,  
19 you know, with everyone, but Becky and I are very  
20 close. She's a daycare provider. She used to babysit  
21 my son. And she lives two doors down in my block.  
22 Q. Is that the only close neighbor you were  
23 referring to in that answer?  
24 A. No. And the Kohlers and Mr. and Mrs. Otis as

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1 well.  
2 Q. Okay. They no longer socialize with you, is  
3 that what you said?  
4 A. That is correct. Now, Ms. Becky felt --  
5 Miss Becky does. And I am sure she would be willing  
6 to state how the neighbors were telling, you know,  
7 her, you know: "What kind of people are they, you  
8 know, living next door to us? They had SWAT, you  
9 know, there. What's going on?" She tried to reassure  
10 them we are people of good character and it must be  
11 some type of mistake. She said, you know, she was  
12 receiving calls.  
13 Q. Was she aware that it was some type of mistake?  
14 A. Not at the time it happened. She didn't know  
15 what was going on. She just started receiving phone  
16 calls.  
17 Q. Eventually did she learn that this was a  
18 mistake?  
19 A. Not from any type of written apology we never  
20 received. She just took my word because of the type  
21 of person that I am and she knew me a little better  
22 than the other neighbors. But we're not sure of what  
23 opinions the other neighbors have formed.  
24 Q. Have you asked?

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1 A. It's been a defamation of character. They  
2 don't speak to me in order for me to ask them. We  
3 don't have conversation.  
4 Q. We're going to switch topics. Before we do  
5 that, do you need a bathroom break or water break or  
6 anything like that?  
7 A. No, thank you, I'm fine.  
8 Q. Keep forging ahead. We're going to talk about  
9 some medical expenses. The same document in front of  
10 you, No. 6 asks you about medical expenses. Tell you  
11 what, go ahead and read the answer, and I'll ask you  
12 some questions.  
13 A. Okay.  
14 Q. I guess the question is, the expenses or bills  
15 from Dr. Tavani, are they the only expenses that  
16 you've had arising out of this incident?  
17 A. Dr. Tavani and Dr. Kosma and also I would like  
18 to add that there is another doctor that I see at a  
19 health facility on Foulk Road. I can't think of  
20 anybody's name right now. But I believe that since I  
21 believe so stressed out, my immune system isn't what  
22 it used to be. And I have seen Dr. Morris and that  
23 doctor on Foulk Road for constant flu symptoms.  
24 Q. Are they sending you bills? B.40

7 (Pages 22 to 25)



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1 A. I have insurance, but I am paying my  
2 co-payment. Now, Dr. Tavani and Dr. Kosma is not  
3 covered by our insurance, so we are paying them.  
4 Q. Have you made payments to them?  
5 A. Yes.  
6 Q. About how much?  
7 A. Well, my husband handles the bills, but it's a  
8 couple thousand dollars.  
9 Q. He's paid out-of-pocket a couple thousand  
10 dollars?  
11 A. Yes.  
12 Q. We're going to go back, the same document, back  
13 to No. 4. I want to ask you some questions. Well,  
14 the same thing, read it, read the question and answer,  
15 then I'll ask you about it. Just No. 4.  
16 A. Oh, okay. Okay.  
17 Q. Is this the first time you've seen the answer?  
18 A. No. I was just making sure -- you told me to  
19 read No. 4 and it references others, so I was trying  
20 to reference back and forth. But go ahead.  
21 Q. Basically, the answer talks about allegations  
22 of negative stereotyping, bias, judgment, et cetera.  
23 Before we get to that, let me ask you this. At the  
24 time you gave this answer, did you know the last name

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1 of the suspect the police were looking for on that  
2 morning that they came to your house?  
3 A. I didn't know anything on the morning that they  
4 came to my house.  
5 Q. No, no.  
6 A. Oh.  
7 Q. At the time you filled out this answer, this  
8 answer No. 4, on the date that you gave this answer,  
9 did you know the name of the suspect that the police  
10 were looking for?  
11 A. My No. 4 says: "Identify and describe each act  
12 to which you are referring to in paragraph 22."  
13 Correct?  
14 Q. Yes.  
15 A. Is this paragraph 22?  
16 Q. No.  
17 A. Well --  
18 Q. Here's my question.  
19 A. Okay.  
20 Q. At some point, you filled out an answer, this  
21 answer No. 4.  
22 A. Mm-hmm.  
23 Q. On the date that you filled it out -- I guess,  
24 actually we have a date on it -- September 12th of

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1 2006.  
2 A. Mm-hmm.  
3 Q. On that date, did you know the name of the  
4 suspect that the police had been looking for that  
5 morning that they came to your house?  
6 A. And the date isn't listed here. So you said  
7 the date was 2006?  
8 Q. It's at the end of the document.  
9 September 12th, 2006 is the date that your attorneys  
10 filed this answer, your answer No. 4. What I am  
11 asking you is: On that date, September 12th, 2006,  
12 did you know that the suspect that the police were  
13 looking for, almost a year earlier when they came to  
14 your house, did you know what his name was?  
15 A. Yes.  
16 Q. What was his name?  
17 A. His name was the same or similar to my husband  
18 and my son's name.  
19 Q. Okay. So then let's go back to No. 4 and see  
20 the very last sentence says, "The only commonality  
21 with the suspect was race." That was the answer that  
22 you gave to this question. Right?  
23 A. Race. Well, it was two commonalities, race and  
24 name. There is plenty of people in America with the

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1 same name, but that doesn't give you the right to  
2 assume that the person -- everybody with the same name  
3 is guilty. You're innocent until proven guilty.  
4 Q. But this statement made under oath says the  
5 only commonality with the suspect is race. Do you  
6 still stand by that statement?  
7 A. Race and name.  
8 Q. So race wasn't the only commonality?  
9 MR. BARTOSHESKY: Asked and answered. Go  
10 ahead. You can answer him again.  
11 Q. If you want to. If you don't want to touch it,  
12 that's fine.  
13 A. Race and name.  
14 Q. Okay. Now, do you believe that this was not an  
15 honest mistake by the police?  
16 A. I believe that with modern technology and  
17 computers, you have access to the ages. My son is a  
18 minor, you know, with no record. My son is a Honor  
19 Roll student. My son is vice-president of YPD at  
20 church. My son is an apprentice at DuPont in a  
21 robotics program. My son makes the Honor Roll  
22 program. My son doesn't have a criminal record. I  
23 believe that, no, no, they don't have a lot in common  
24 but race and name, and that doesn't give you the right

8 (Pages 26 to 29)

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Karen Walker

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1 to invade his privacy and put gun to his head when  
2 he's done nothing wrong. My son is not in the system  
3 for criminal, no.  
4 Q. So do you believe that the police came to your  
5 address knowing that it was the wrong address?  
6 A. This person -- we live in New Castle. This  
7 person lived in Wilmington. They have -- they're two  
8 different ages. This is America. We're innocent  
9 until proven guilty. That doesn't give you the right  
10 to invade our home even if they do have the same name.  
11 And, you know, if we didn't have an ethnic name, you  
12 know, like Walker, I don't believe it would have  
13 happened, no. I've done research and this happens  
14 more with black people than with white people.  
15 MR. MILI: I ask the court reporter, could  
16 you, please, read back the question that I just asked  
17 her?  
18 (The reporter read as requested.)  
19 BY MR. MILI:  
20 Q. Please answer --  
21 A. Yes, I do.  
22 Q. They purposely came to your house even though  
23 they know the suspect wouldn't be found there?  
24 A. Yes, I do.

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1 Q. You believe they did this because you're black?  
2 A. Yes.  
3 Q. Let's go on to item No. Question No. 12. Do  
4 you know what, strike that, your husband covered all  
5 of those. I think we're done with the documents.  
6 I just have a few final questions. Did you  
7 miss any time from work after this incident happened  
8 in September of '05?  
9 A. Yes.  
10 Q. How much time?  
11 A. I missed about a week and a half.  
12 Q. What was the week and a half? Give me the  
13 beginning and end dates.  
14 A. It was after it happened, so I believe it had  
15 to be around the 7th through the 10th or 11th. Around  
16 that period of time as well. I'm not exactly sure,  
17 but it was after it happened.  
18 Q. Did you have to cash in sick time?  
19 A. Yes.  
20 Q. Vacation time?  
21 A. Yes. A week vacation and I took a few sick  
22 days, yes.  
23 Q. Were there any problems in your job performance  
24 after this?

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1 A. Yes.  
2 Q. Like what?  
3 A. I wasn't focused. I am -- I wasn't focused.  
4 Mood swings, irritability, just not myself --  
5 Q. Did you get written up?  
6 A. -- poor job performance. No, because I did  
7 explain to some degree what was going on. But I do  
8 believe that a transfer to another department was a  
9 contributing factor to this.  
10 Q. Let me ask you: Were you transferred to  
11 another department?  
12 A. To another location, yes.  
13 Q. Location. What location?  
14 A. I was transferred to Harbor House.  
15 Q. To Harbor House from where?  
16 A. From 9th & Washington Street.  
17 Q. Do you know who made that transfer decision?  
18 A. No. One day my supervisor just came to me and  
19 said, "We're moving you."  
20 Q. What's your supervisor's name?  
21 A. Cheryl Fields.  
22 Q. With a C or an S?  
23 A. With a C.  
24 Q. Did she give you an explanation as to why?

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1 A. Yes.  
2 Q. Do you believe it was because of performance?  
3 A. Yes.  
4 Q. What's different about the work at Harbor House  
5 from the work at 9th & Washington?  
6 A. Well, I was in direct -- I dealt directly with  
7 the clients and I was actually in charge of keeping  
8 the files in order for the psychiatrist that I worked  
9 for. And I started to misfile things, not have things  
10 in order as I used to. So the job where I was  
11 transferred to, I didn't have the paperwork load. I  
12 mean, they knew that I connected really well with the  
13 clients in the past, so I guess they didn't want to  
14 let me go, but they could see that when it came to the  
15 paperwork, I was just not focused as I used to be.  
16 Q. Is there less paperwork at the Harbor House?  
17 A. Yes.  
18 Q. Is there less client contact at Harbor House?  
19 A. Just the same, but not the paperwork.  
20 Q. Do you do less work at Harbor House than you  
21 did at 9th & Washington?  
22 A. I do less paperwork and less work, yes.  
23 Q. Was your pay reduced when you were transferred  
24 to Harbor House?

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9 (Pages 30 to 33)

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Karen Walker

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1 A. It stayed the same.  
2 Q. They reduced your workload, but gave you the  
3 same pay?  
4 A. I was a good employee before this happened, so  
5 I believe they were understanding, but felt as though  
6 I could not perform that particular job the way I used  
7 to.  
8 Q. But they paid you the same?  
9 A. But the pay stayed the same, sir, yes.  
10 Q. Are you taking any medications?  
11 A. Zoloft.  
12 Q. Anything else?  
13 A. No.  
14 Q. Have you taken any medications in the past  
15 year?  
16 A. Other than Zoloft, no. One moment. Let me  
17 think for a second. Zoloft and antibiotics I've had  
18 over this year.  
19 Q. How often do you take the Zoloft?  
20 A. Once or twice a day.  
21 Q. When did you start doing it?  
22 A. When it was prescribed back in September of the  
23 year of this incident.  
24 Q. Once or twice a day. Is it every day seven

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1 days a week?  
2 A. Every day seven days a week.  
3 Q. What does it do for you?  
4 A. Puts -- sometimes it helps, sometimes it  
5 doesn't.  
6 Q. When it helps, how does it help?  
7 A. Well, I am easily startled around the house  
8 now. Like, you know, if I hear a noise, you know, I  
9 jump. So it makes me a little less anxious.  
10 Q. Just a few more, then we'll wrap up. Did you  
11 ever, after this incident happened in September of  
12 '05, did you ever file a complaint with the police  
13 department itself; for example, internal affairs or  
14 something like that to ask someone higher up in the  
15 chain of command to look into the matter?  
16 A. I left that up to my husband to do. I am not  
17 exactly sure if he did.  
18 Q. Do you think it would be appropriate for  
19 someone higher up, like the chief or someone in the  
20 police department to investigate what was done?  
21 A. I certainly do, yes.  
22 Q. You don't know if your husband asked for an  
23 investigation of any sort like that?  
24 A. I actually left it up to my husband and him to

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1 consult with the attorneys on that. I am not exactly  
2 sure about that.  
3 But, yes, I do believe that someone should  
4 have to answer for invading someone's home before  
5 6:00 o'clock in the morning and invading their  
6 privacy. I believe that we experienced defamation of  
7 character. I believe that we worked hard, saved money  
8 in our 401(k) plan all our lives to buy a nice home in  
9 a nice neighborhood. And now, what happened to us, it  
10 just should not have happened to us. It just should  
11 not have happened in our neighborhood. We work every  
12 day. We're taxpayers. We don't have criminal  
13 records. It was just no reason for you to invade our  
14 home, like I said, in the wee hours of the morning  
15 when we didn't commit any crimes.  
16 Q. Is it racism?  
17 A. That is part of it, yes.  
18 Q. You said earlier that, I think you said  
19 earlier, that Detective Lawson gave you a business  
20 card.  
21 A. Not myself. I believe he may have given my  
22 husband one.  
23 Q. What did your husband do with the business  
24 card?

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1 A. I am not exactly sure.  
2 Q. Is there a phone number on it?  
3 A. Most business cards have a phone number, I  
4 believe, yes.  
5 Q. Did you recall if Detective Lawson explained to  
6 either you or your husband as to why he was handing  
7 over his business card?  
8 A. No, I don't.  
9 Q. I think we're done, but give me a second.  
10 I'm not sure if I asked you this. Forgive  
11 me if this is a repeat. When you were -- when the  
12 family -- when your family was gathered in the family  
13 room, did Detective Lawson or any of the SWAT officers  
14 show you a wanted poster of someone?  
15 A. No. But I am glad you asked because there is  
16 no way that a 15-year-old could look like somebody  
17 20-something.  
18 MR. MILLI: Okay. I don't have anything  
19 further.  
20 MR. BARTOSHESKY: No questions.  
21 (Deposition concluded at 10:49 a.m.)  
22 -- -- --  
23  
24

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10 (Pages 34 to 37)

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## INDEX

WITNESS: KAREN WALKER

EXAMINATION BY MR. MILI

DEPOSITION EXHIBITS

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2 Plaintiff's Initial Disclosure 2

Pursuant to Federal Rule of

Civil Procedure 26(a)(1)

3 Plaintiff's Answers to Defendant's Interrogatories 2

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2

1 State of Delaware )

2 New Castle County )

3  
4 CERTIFICATE OF REPORTER

5 I, Lucinda M. Reeder, Registered Diplomat  
6 Reporter, Certified Real-time Reporter and Notary  
7 Public, do hereby certify that there came before me on  
8 February 21, 2007, the witness herein, KAREN WALKER,  
9 who was first duly sworn by me and thereafter examined  
10 by counsel for the respective parties; that the  
11 questions asked of said witness and the answers given  
12 were taken down by me in Stenotype notes and  
13 thereafter transcribed by use of computer-aided  
14 transcription and computer printer under my direction.

15 I further certify that the foregoing is a true  
16 and correct transcript of the testimony given at said  
17 examination of said witness.

18 I further certify that I am not counsel,  
19 attorney, or relative of either party, or otherwise  
20 interested in the event of this suit.

21  
22 Lucinda M. Reeder, RDR, CRR  
23 Certification No. 132-RPRJ  
24 (Expires January 31, 2008)

DATED: 3-16-07

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REPLACE THIS PAGE

WITH THE ERRATA SHEET

AFTER IT HAS BEEN

COMPLETED AND SIGNED

BY THE DEPONENT.

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11 (Pages 38 to 40)



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DeWAYNE WALKER, SR.;	)	
KAREN WALKER, his wife;	)	
D.W., JR., minor child;	)	
and T.W., minor child,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 06-288
	)	
THE CITY OF WILMINGTON, a	)	
political subdivision of	)	
the State of Delaware;	)	
DETECTIVE MICHAEL R.	)	
LAWSON, JR., individually	)	
and in his official	)	
capacity; and UNKNOWN	)	
ENTITIES,	)	
	)	
Defendants.	)	

Deposition of DeWAYNE WALKER, SR., taken pursuant to notice at the offices of the City Solicitor, Louis L. Redding City/County Building, 800 French Street, Wilmington, Delaware, beginning at 1:00 p.m., on Thursday, January 25, 2007, before Kimberly A. Hurley, Registered Merit Reporter and Notary Public.

APPEARANCES:

PHILIP B. BARTOSHESKY, ESQUIRE  
BIGGS & BATTAGLIA  
921 Orange Street  
Wilmington, Delaware 19801  
for the Plaintiffs

WILCOX & FETZER  
1330 King Street - Wilmington, Delaware 19801  
(302) 655-0477  
www.wilfet.com



Page 2

1 APPEARANCES (cont'd):

2  
3 ALEX J. MILL, JR., ASSISTANT CITY SOLICITOR  
CITY OF WILMINGTON

4 Louis L. Redding City/County Building  
5 800 French Street  
6 Wilmington, Delaware 19801  
7 for the Defendants

8 -----  
9 (D. Walker Deposition Exhibit Nos. 1  
10 through 19 were marked for identification.)

11 DeWAYNE WALKER, SR.,  
12 the witness herein, having first been  
13 duly sworn on oath, was examined and  
14 testified as follows:

15 BY MR. MILL:

16 Q. Good afternoon, Mr. Walker. My name is  
17 Alex Mili. I represent the police department and  
18 Detective Lawson in this lawsuit that you filed arising  
19 out of the raid from September of 2005. We have met  
20 before, obviously, at Detective Lawson's deposition. Now  
21 today's my turn to ask you questions about the  
22 allegations in the lawsuit. I'm going to start off with  
23 just asking you some background about yourself first.

24 What's your highest level of education?

A. I have some college.

Page 3

1 Q. How much college?

2 A. It's equivalent to an Associate's degree.

3 Q. Where did you get this college training from?

4 A. The United States Navy.

5 Q. What's your military background?

6 A. I was an engineer in the United States Navy for  
7 four years.

8 Q. Which four years?

9 A. From 1985 through 1989.

10 Q. What year did you graduate from high school?

11 A. 1984.

12 Q. Did you go to the Navy right after high school?

13 A. Not right after.

14 Q. What did you do in the meantime?

15 A. I worked, was self-employed. We had a  
16 production company going on. We were DJ'g and things of  
17 that nature.

18 Q. What was your rank in the Navy?

19 A. I was an E-4, an engineman.

20 Q. Were you honorably discharged?

21 A. Yes, I was.

22 Q. In what year?

23 A. 1989.

24 Q. What did you do after that?

Page 4

1 A. I joined a company called Fiber Metals in  
2 Pennsylvania. After that I joined Arco Chemicals.

3 Q. The first company you said, for how long did  
4 you work there?

5 A. It was only for a short period of time, say six  
6 months.

7 Q. That takes us still to 1989. Then you went to  
8 Arco still in 1989?

9 A. The latter part of '89, beginning part of '90.

10 Q. How long did you stay at Arco?

11 A. I stayed there approximately -- I believe that  
12 was '94, '95 it was downsized.

13 Q. Then what did you do after that?

14 A. I left Arco and I joined -- I was unemployed  
15 for a while. I went to a company called Johnson Matthey  
16 for a short period of time.

17 Q. For how long?

18 A. About less than a year.

19 Q. That was in '95?

20 A. '94, '95, yes.

21 Q. After that what did you do?

22 A. '95 and '96 rejoined -- I went to Ganes  
23 Chemical. It was '98 or '99 I joined Ganes.

24 Q. How long did you stay there?

Page 5

1 A. I was at Ganes for approximately a year or two.

2 Q. That's 2000 or say 2001?

3 A. Yes.

4 Q. What did you do after that?

5 A. From 2001 I went to W.L. Gore.

6 Q. How long did you stay there?

7 A. I stayed at Gore for about a year or so.

8 Q. That's 2002. What did you do after that?

9 A. I joined Johnson & Johnson. I was contracted  
10 to Kelly Services to Johnson & Johnson.

11 Q. Kelly Services is a temp. agency?

12 A. Yes.

13 Q. That was a temp. assignment, Johnson & Johnson?

14 A. Yes.

15 Q. How long did you do that?

16 A. I got hired on full-time, and I'm currently  
17 working for Johnson & Johnson.

18 Q. Is that the same as Noramco, Incorporated?

19 A. Yes.

20 Q. I'm going to call it Noramco just for  
21 simplicity.

22 What do you do there?

23 A. I'm a pharmaceutical operator.

24 Q. Did it require any training to do that job?

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## DeWayne Walker, Sr.

Page 6

1 A. Over the years my experience, Navy, Arco  
2 Chemicals.  
3 Q. Any formal certification required?  
4 A. No.  
5 Q. Are you married?  
6 A. Yes.  
7 Q. What's your wife's name?  
8 A. Karen Alicia Walker.  
9 Q. When did you marry Karen?  
10 A. July 31st, 1993.  
11 Q. Is that your first marriage?  
12 A. Yes.  
13 Q. You have two children from that marriage?  
14 A. Yes.  
15 Q. What are their names?  
16 A. I have Tatiana Talea Walker, she's  
17 approximately three now. And DeWayne Walker, Jr., he's  
18 16.  
19 Q. How long have you lived at the house in Wilton?  
20 A. It's in Eagle Glen.  
21 Q. Okay.  
22 A. Dutton Drive, Eagle Glen, 118. I have been  
23 there since '96.  
24 Q. Where is Wilton in relation to Eagle Glen?

Page 7

1 A. Wilton is a separate development. I guess  
2 that's off of Appleby Road and Wilton.  
3 Q. 273, Route 273?  
4 A. Yes. I live in a development called Eagle  
5 Glen, which is Wedgefield.  
6 Q. Is Wilton further down -- there's a portion  
7 where 273 and 40 intersect, correct?  
8 A. Yes. Well, Appleby from Wilton Boulevard, if  
9 you're familiar with Victory Church and Wal-Mart, Wilton  
10 Boulevard, and it intersects Appleby and that's the  
11 Wilton area.  
12 Q. We're going to get into some documents. We're  
13 going to get into the first document which I have  
14 numbered D. Walker No. 1. That's the complaint. That's  
15 the first document that your attorney has filed on your  
16 behalf initiating this lawsuit. That contains all the  
17 factual allegations about what you say happened in this  
18 raid and legal allegations of what you believe the police  
19 department did incorrectly or did wrong.  
20 I'm going to ask you to take a look at that  
21 document, because I'm going to ask you some specific  
22 questions now about some of the allegations that were  
23 made in this document.  
24 I want to start with paragraph No. 8. It's

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1 on page 2. It starts at the bottom of page 2 and carries  
2 over onto page 3. I want to give you an opportunity to  
3 just read paragraph 8. As soon as you're done reading  
4 it, I'm going to ask you some questions about it. Read  
5 it, and take your time. Look up at me when you're done.  
6 A. (Complied.)  
7 Q. Tell me each and every person who was in the  
8 house, in your house, on the morning of the raid.  
9 A. Karen Alicia Walker, Tatiana Talea Walker,  
10 DeWayne Walker, Jr., and DeWayne Walker, Sr.  
11 Q. Let's go one at a time. Tell me where each  
12 person was at the time that the police came in.  
13 A. DeWayne Walker, Jr., was upstairs in his  
14 bedroom. Karen was in the foyer area directly facing the  
15 front door preparing Tatiana to depart for work. I was  
16 in the basement.  
17 Q. So Karen's location, how close is that to the  
18 front door?  
19 A. It's approximately, I'd say, 5 to 7 feet.  
20 Q. Is it within eyesight of the front door?  
21 A. Oh, absolutely, yes.  
22 Q. So from the position that she was in, if  
23 someone walks through that front door, can she see that  
24 person come through the front door without moving from

Page 9

1 whatever position she was in?  
2 A. Yes.  
3 Q. How many bedrooms are in the house?  
4 A. Four.  
5 Q. Give me a breakdown of who has what bedroom.  
6 A. Yes. My wife and I have one bedroom. We have  
7 a guest bedroom. Tatiana has her own bedroom, and  
8 DeWayne Walker, Jr., has a bedroom.  
9 Q. Let's go on to paragraph 9. Again, I'm going  
10 to ask you to read it and then I'm going to ask you some  
11 questions about it.  
12 A. (Complied.)  
13 Q. It alleges that the police officers broke down  
14 the front door. You said earlier you were in the  
15 basement.  
16 A. Yes.  
17 MR. BARTOSHESKY: Let me object. Doesn't  
18 say "broke down the front door."  
19 MR. MILI: What does it say? It doesn't  
20 say "broke." This second line.  
21 MR. BARTOSHESKY: It says "broke through  
22 the front door."  
23 MR. MILI: Okay. It says "broke through"  
24

## DeWayne Walker, Sr.

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1 BY MR. MILI:

2 Q. To the extent that there's a difference, broke,  
3 did you see the officers break through the front door?

4 A. I heard them break through the front door.

5 Q. What did you hear?

6 A. I heard a loud bang. There was two bangs.  
7 There was one when the front door initially opened and a  
8 second from the force of the door hitting a table in that  
9 foyer area.

10 Q. Aside from the bangs, did you hear anything  
11 else?

12 A. Yes. There was profusely screaming and it was  
13 my wife screaming and my one-year-old daughter.

14 Q. The people that came in through the door, did  
15 you hear them say anything?

16 A. I heard -- it was so fast, it was the bang and  
17 it was a lot of voices and there was the screaming.  
18 Almost simultaneously.

19 Q. Screaming by --

20 A. My wife and my daughter.

21 Q. You didn't hear any words uttered by the people  
22 entering the house?

23 A. I didn't hear any words.

24 Q. Do you know if the door was locked or unlocked

Page 11

1 that morning?

2 A. The door was locked.

3 Q. The screen door or the front door, or both?

4 A. They both were locked. The screen door, the  
5 hinges on the screen door were broken and the actuator,  
6 it was broken off from the frame. The front door, the  
7 knob, handle, lock where the deadbolt enters into the  
8 frame of the wall was broken.

9 Q. Did you eventually learn that the people that  
10 came to the house were police officers?

11 A. After hearing my wife screaming and my  
12 daughter, then they proceeded -- they ran through -- so  
13 many officers, they ran through every room of the house  
14 and they came to the basement.

15 Q. You don't want to answer my question? Did you  
16 eventually find out if they were police officers or not?

17 A. Eventually we did find out they were officers,  
18 sure.

19 Q. How did you find out that they were police  
20 officers?

21 A. When the officer came down to the basement with  
22 his weapon drawn, with a laser beam pointed at me, and I  
23 seen something said "SWAT," something to that effect,  
24 "SWAT" on their uniform.

Page 12

1 Q. Did they eventually explain to you why they  
2 were there?

3 A. They handcuffed me, forced me to my knees, and  
4 they began to show me a picture.

5 Q. You don't want tell me if they ever --

6 MR. BARTOSHESKY: Object to the form of the  
7 question. You can ask him the question.

8 BY MR. MILI:

9 Q. The question is: Did the police officers ever  
10 explain to you why they were there?

11 A. Eventually they did.

12 Q. What did they say was the reason for being  
13 there?

14 A. They showed me a picture of a suspect. They  
15 asked me did I know this gentleman.

16 Q. Did they tell you the suspect's name?

17 A. It was on the picture that they had. His name  
18 was on the picture.

19 Q. Do you know what his name was?

20 A. Yes. His name was Dwayne spelled D-w-a-y-n-e.  
21 I remember that.

22 Q. What was his last name?

23 A. I don't recall.

24 Q. You don't recall his last name?

Page 13

1 A. I don't recall his last name. I remember the  
2 first name because I looked at the officers and I said,  
3 "His name is not spelled like our name." His first name.

4 Q. Did you look at the last name?

5 A. I may have, but I don't recall.

6 Q. Even to this day you don't know what that  
7 suspect's last name was?

8 A. I can't recall.

9 Q. If I told you his last name was Walker, would  
10 you have any reason to dispute that or disbelieve that?

11 A. No, because in the newspaper it came out  
12 afterwards, the article that said his last name was  
13 Walker.

14 Q. What's your last name?

15 A. Walker.

16 Q. Was your son still in the bedroom when you had  
17 that conversation with the detective?

18 A. Yes. He was upstairs in the bedroom. Alone.

19 Q. How did he eventually come down to the  
20 downstairs?

21 A. There was weapons. Officers was behind him  
22 with weapons and escorted him downstairs.

23 Q. Did you see the officers escort him downstairs?

24 A. At the same time I was being escorted upstairs.



## DeWayne Walker, Sr.

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1 So we kind of met in like the vestibule area we have, the  
 2 little foyer.  
 3 Q. Where was your son upstairs?  
 4 A. In the bed.  
 5 Q. Did someone eventually go into the bedroom and  
 6 get him?  
 7 A. Yes. The officers stormed into his room,  
 8 surrounded his bed, had weapons drawn, and he was naked.  
 9 So the officer went into his drawer and threw him a pair  
 10 of pants and told him to get dressed.  
 11 Q. Did you see all this happen?  
 12 A. No, I didn't see it.  
 13 Q. Did your son eventually tell you this happened?  
 14 A. He explained that to my wife and I.  
 15 Q. At some point they took him out of the bedroom.  
 16 Where did they take him?  
 17 A. Brought him downstairs to the family room. We  
 18 all met in the family room.  
 19 Q. When you say "we all," who's that?  
 20 A. It was Officer Lawson, another officer, my  
 21 wife, my daughter, and my son and myself.  
 22 Q. Once they had everybody in the family room, did  
 23 someone explain to you that they had the wrong house?  
 24 A. We said that from the initial impact when they

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1 broke through the door. "You have the wrong house." We  
 2 kept saying that over and over again. Then they admitted  
 3 that they had the wrong house and that these things  
 4 happen.  
 5 Q. Do you believe that these officers took the  
 6 time to come all the way to your house just because  
 7 you're black?  
 8 A. I think race had an important aspect of the  
 9 invasion.  
 10 Q. The suspect that they told you they were  
 11 looking for, do you know what his race was?  
 12 A. Yes.  
 13 Q. What was his race?  
 14 A. He was African-American.  
 15 Q. What's your race?  
 16 A. African-American.  
 17 Q. Let's go on to paragraph No. 15 in that same  
 18 document. Again, take a second to read it and then I'm  
 19 going to ask you some questions about it.  
 20 A. (Complied.)  
 21 MR. BARTOSHESKY: Did you say 15?  
 22 MR. MILI: Paragraph 15. I'm sorry. Not  
 23 15. 14.  
 24 THE WITNESS: Yes.

Page 16

1 BY MR. MILI:  
 2 Q. Have you read it? Are you ready?  
 3 A. Yes.  
 4 Q. Which house does Mr. Peoples live in?  
 5 A. He lives on Fowler. It's the street adjacent  
 6 to Dutton Drive. It's the first right off of Dutton  
 7 Drive.  
 8 Q. Do you know which house number?  
 9 A. No.  
 10 Q. How far is it from your house in terms of house  
 11 lengths? I guess that would make it easier.  
 12 A. He's four houses -- he's five houses away from  
 13 ours.  
 14 Q. Can you see his house from any of the windows  
 15 in your house?  
 16 A. The garage window, yes.  
 17 Q. Paragraph 14 makes a statement about  
 18 Mr. Peoples hearing the officer tell him, "You won't be  
 19 seeing Walker going to work for a while."  
 20 A. Exactly.  
 21 Q. How did you find out about this statement being  
 22 made?  
 23 A. After the whole ordeal, I went to work.  
 24 Peoples was there. He was concerned about the welfare of

Page 17

1 my family and he asked me what had happened. And he said  
 2 that "Those officers were rude." And he stated to me  
 3 that he asked the officer what did the people in the  
 4 residence do, and they told him, "Don't worry about it  
 5 because you won't be seeing him for a long time."  
 6 Q. When was this conversation?  
 7 A. On the way to work.  
 8 Q. The same day?  
 9 A. That morning.  
 10 Q. Let's switch gears and go to the other document  
 11 that you have right behind that one. That's No. 2. It's  
 12 called "Rule 26 Disclosures." No. We're done with that  
 13 document. We're going to the one behind it.  
 14 This document was prepared I'm sure by  
 15 counsel on your behalf. It basically asks you to list  
 16 people that have information about this lawsuit. Some  
 17 people are listed there, as you can see in No. 1. I want  
 18 to go through these people one by one and find out from  
 19 you what kind of information you think they might have  
 20 with regard to this lawsuit.  
 21 Let's start with Dr. Tavani. Who is she?  
 22 A. She's the psychiatrist I'm currently under and  
 23 I'm currently seeing.  
 24 Q. How did you come into contact with her?

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1 A. I came into contact with her through a friend  
2 and through my primary physician, Maria --  
3 Dr. Maria Lazar.

4 Q. Did anybody else also recommend that you see  
5 Dr. Tavani?

6 A. Dr. Tavani also knew my attorney.

7 Q. Are you still seeing her?

8 A. Yes. Her and a doctor by the name of  
9 Dr. Kozma.

10 Q. We're going to get to him shortly, but let's  
11 focus on Dr. Tavani for the moment.

12 What does she do for you?

13 A. She's the therapist. We visited with her  
14 initially. She recommended that we go see Dr. Kozma.

15 Q. You said you're still seeing her now presently?

16 A. Yes. Occasionally -- well, it's a practice,  
17 it's an office. Dr. Kozma isn't there and I see  
18 Dr. Tavani and vice versa.

19 Q. What does she do when you see her? What does  
20 she do for you or --

21 A. We go over -- we talk about the scenario, what  
22 happened, how am I doing psychologically, how are we  
23 coping with things. She really eases all of the  
24 frustration and anger and emotional anxiety that I'm

Page 19

1 suffering.

2 Q. Let's go on to the person right underneath  
3 Dr. Tavani, Richard Brousell. Who's he?

4 A. That's a specialist for my son. He saw him on  
5 a number of occasions. I believe it was four. He's a  
6 therapist that deals with youth.

7 Q. Let's go back a second to Dr. Tavani. I think  
8 I heard you say "we see Dr. Tavani."

9 A. My wife and I.

10 Q. Does your son also see Dr. Tavani?

11 A. No.

12 Q. That's just Dr. Brousell treats your son?

13 A. Yes.

14 Q. I won't ask you too much about what he does  
15 with your son because I'll have an opportunity to ask him  
16 later.

17 Let's go on to Dr. Kozma. It's right  
18 underneath it on the next page. Tell me who he is.

19 A. He's a psychologist, and he helps us -- we do  
20 relaxation, different types of breathing exercises. And  
21 he's a therapist that really eases and comforts us.

22 Q. Are you still going to see him?

23 A. Yes.

24 Q. How often?

Page 20

1 A. It's every -- it's a new year now. It's every  
2 four to six weeks now.

3 Q. For how long?

4 A. It's no set time. We haven't determined my  
5 condition. Still under medication and still under his  
6 care.

7 Q. I understand no set time, but give me on  
8 average, is it five minutes, is it an hour?

9 A. Oh, for the duration of the appointment?

10 Q. The sessions, yes.

11 A. It's an hour.

12 Q. Right after the doctor it mentions some  
13 personnel from Noramco. What are the names of the people  
14 you had in mind in that response? See letter g?

15 A. Yes.

16 Q. Personnel at plant, DeWayne Walker's employment  
17 at Noramco. What personnel? Give me their names.

18 A. As far as -- could you be more specific with  
19 your question?

20 Q. I'll read the question that was asked of you.

21 "Name of individuals likely to have discoverable  
22 information."

23 A. Okay.

24 Q. And your answer was, some personnel at Noramco.

Page 21

1 Give me their names.

2 A. Noramco has an Occupational Health Center, and  
3 I don't know the names of the doctors. There is an array  
4 of doctors. It's a practice. And they have knowledge of  
5 the scenario.

6 Q. Anybody else at Noramco besides that  
7 Occupational Health Center?

8 A. Oh, sure. Employees. It was in the newspaper,  
9 so there was an array of employees that asked me how my  
10 family's doing, what happened, was that you.

11 Q. What are their names?

12 A. Tony Simpson, Brian Drayton, Rich Nichols.  
13 Those are all the ones I can think of. But it was in the  
14 newspaper. It's public information.

15 Q. After we ask you about the people in that No. 2  
16 I just asked you about, I also asked you about documents,  
17 descriptions of documents. Do you see there, No. 2?

18 A. Yes.

19 Q. Now I want to ask you about one of your  
20 responses is that there's a written statement.

21 Unfortunately that wasn't provided to me, so I make a  
22 standing request on the record for a copy of that  
23 statement. But I'll work it out with your attorney  
24 later.

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1 Tell me for now, when did you write this  
2 written statement that you're talking about in that  
3 response?

4 A. Prior to seeking counsel, I wrote exactly  
5 verbatim everything that transpired on September the  
6 15th, 2005.

7 Q. Doesn't have to be exact. Can you give me as  
8 best you can an approximate date when you wrote that  
9 statement?

10 A. That evening I wrote the statement.

11 Q. Was it when you got home from work, later that  
12 evening?

13 A. It was later that evening. It was after --  
14 around 7:00 p.m., 8 o'clockish.

15 Q. Did you write it on a computer or handwrite it?

16 A. Both. I handwrote it first and then I typed it  
17 on the computer.

18 MR. MILL: My standing request will be for  
19 any drafts of it, as well as the computer printout of it  
20 I didn't receive.

21 BY MR. MILL:

22 Q. Did you write it by yourself or did anybody  
23 help you with it?

24 A. I wrote it myself.

Page 23

1 Q. Did your wife have any input on it?

2 A. Yes. She made comments.

3 Q. Did your son have any input on it?

4 A. He made comments.

5 Q. Let's go one at a time. What comments did your  
6 wife make on it?

7 A. My wife made the comments that the laser -- we  
8 all agreed that she said there was lasers pointed at her  
9 from the weapons, and I agreed with her because it was  
10 the same when I was in the basement. My son said the  
11 same thing, that there were lasers on the guns when they  
12 were in his bedroom.

13 The damage to the door, how the lock  
14 doesn't work, how are we going to lock the door, we  
15 agreed on that.

16 My wife was saying how it was an array of  
17 officers, how she just remembered it was a mess, the  
18 amount of officers invaded our home.

19 Q. I won't belabor this statement because I'm  
20 obviously going to get a chance to read it myself. So  
21 I'll take the time to do that.

22 Let's go on right below it about the  
23 15 photographs. As you remember, your attorney brought  
24 them with you. We have them here today. Our court

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1 reporter was kind enough to number them, so when I ask  
2 you what each photograph is and I want you to keep them  
3 in order because I don't want to get the numbers out of  
4 order for this transcript. Starting with No. 5, the  
5 reason we're starting with 5 is because the documents in  
6 front of you have been marked 1 through 4.

7 A. Yes.

8 Q. First No. 5, photograph No. 5, tell me what  
9 that is.

10 A. This is a picture of the carpet. Appears to be  
11 the steps where there's footprints, all types of stains  
12 from the officers storming through our home.

13 Q. Did you eventually clean those stains?

14 A. Yes. We attempted to clean them.

15 Q. You say "attempted." Were they not able to be  
16 cleaned?

17 A. Some were removed and some weren't.

18 Q. Are they still there today?

19 A. Some are, yes.

20 Q. Put them facedown so we keep them in order. On  
21 to No. 6. What is No. 6?

22 A. No. 6 looks like there are more stains, and  
23 this appears to be the hall area. There's footprints and  
24 stains.

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1 Q. Upstairs or downstairs hall area?

2 A. This appears to be the upstairs hall area.

3 Q. Did you eventually clean all those stains?

4 A. Some were removed and some weren't able to come  
5 out.

6 Q. Do you still have the same carpet that you had  
7 back then?

8 A. Yes, we do.

9 Q. Put that one down. On to No. 7. What's that?

10 A. This is the hall area from the entrance to the  
11 door to the kitchen, and this is showing the same stains  
12 and footprints in which some were removed and some are  
13 still present.

14 Q. For the three we just went over, you said some  
15 were removed, some are still there. How did you remove  
16 them?

17 A. I used to have a cleaning business. I'm a  
18 professional carpet cleaner. I have a janitorial  
19 service. And I used some of the commercial cleaning  
20 equipment that I had.

21 Q. Did you call Stanley Steamer or any of those  
22 people?

23 A. No.

24 Q. Do you plan to call any of those professionals?

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1 A. No. I'm a professional.  
 2 Q. On to the next photograph, which I guess we're  
 3 at No. 8. Tell me what that is.  
 4 A. This is the entrance area from the front door  
 5 on the laminated floor, and it's showing stains and  
 6 markings.  
 7 Q. Are those stains and markings still there?  
 8 A. Some are.  
 9 Q. And some are not?  
 10 A. Some are not.  
 11 Q. The ones that are not there, how did they get  
 12 removed?  
 13 A. My wife and I, we were able to remove some of  
 14 the stains.  
 15 Q. Done with that one. On to No. 9. What is  
 16 that?  
 17 A. This is the rear of the front door. This is  
 18 where I was showing how the front door -- it's a table  
 19 and there's indentations, markings on the rear of the  
 20 front door from where it hit the table from officers  
 21 continuing to enter our home.  
 22 Q. I'm done with that. No. 10, what is No. 10?  
 23 A. These are the stairs leading upstairs. These  
 24 are stains, and a lot of these stains are still existing.

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1 Q. I'm done with that one. On to No. 11.  
 2 A. This is the attic where the door was forcefully  
 3 opened and even to this day, this door still doesn't  
 4 close properly. And then there is stress marks from the  
 5 door being opened and closed, because the officer went up  
 6 there at one time and then they -- for some reason they  
 7 opened the door again and another officer proceeded to go  
 8 upstairs in the attic and by them slamming the door, it  
 9 caused stress fractures across the frame of the attic  
 10 door.  
 11 Q. Did you see them slam the door of the attic?  
 12 A. You could hear it.  
 13 Q. Did you see them slam the door?  
 14 A. I heard it.  
 15 Q. My question is: Did you see it?  
 16 A. I didn't see it.  
 17 Q. Thank you. Next picture, No. 12?  
 18 A. Stains, more stains on the stairs, footprints.  
 19 Q. No. 13?  
 20 A. This is showing footprints and stains in the  
 21 dining room area.  
 22 Q. No. 14?  
 23 A. This is the light fixture adjacent to the attic  
 24 door. From the attic door being opened and closed, it

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1 fell off.  
 2 Q. On to No. 15.  
 3 A. This is the laminated floor from when they  
 4 entered, they pulled the laminate back from the seal.  
 5 Q. No. 16.  
 6 A. This is the door showing the molding, the  
 7 strike plate, showing that the handle -- this is showing  
 8 where the actual deadbolt doesn't engage into the door  
 9 frame.  
 10 Q. Was that ever fixed?  
 11 A. Yes, that was repaired.  
 12 Q. Who fixed it?  
 13 A. I did that myself.  
 14 Q. Next photograph?  
 15 A. This is the screen door, showing the damages  
 16 from when the screen door was pulled off the hinges,  
 17 showing where actually it was broken.  
 18 Q. Was that ever fixed?  
 19 A. Yes.  
 20 Q. Who fixed it?  
 21 A. That was Home Depot.  
 22 Q. Did they charge you money to fix it?  
 23 A. Sure. I had to buy a new door and redo the  
 24 framework. Yes.

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1 Q. On to the next one.  
 2 A. This is another shot of the same door, showing  
 3 that the actuator -- how the door was forcefully opened,  
 4 removed from the frame, broken from the frame.  
 5 Q. What's different from that photograph and the  
 6 one we just looked at?  
 7 A. It's just a further-back shot showing the door.  
 8 The actuator itself.  
 9 Q. Last one we're on is No. 19.  
 10 A. Yes. This is showing all the damages and  
 11 nicks. And prior to September 15, 2005, none of this  
 12 damage was existing.  
 13 Q. We're done with the photographs.  
 14 At some point when the officers were in  
 15 your house, did they ever give you a business card?  
 16 A. Yes.  
 17 Q. Who?  
 18 A. I believe his name is Detective Lawson.  
 19 Q. Did his business card have a phone number on  
 20 it?  
 21 A. Yes.  
 22 Q. Did he tell you why he was giving you his  
 23 business card?  
 24 A. Yes. He seen the damages to the door and I

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1 asked him: "What about the damages to my front door?"

2 He scribbled out a number and he wrote  
3 another number on the card and said, "Call this number to  
4 get your front door repaired."

5 Q. Did you call it?

6 A. No.

7 Q. You went to Home Depot instead?

8 A. Exactly.

9 Q. You didn't want him to pay for it?

10 A. I didn't want him back -- I didn't want any  
11 dealings with the officers at all.

12 Q. Did you send him the Home Depot bill and tell  
13 him to pay you?

14 A. No.

15 Q. Do you want him to pay you back?

16 A. Sure.

17 Q. We're going to go on now to the third document.  
18 We have it marked as No. 3 at the bottom. These are more  
19 specific questions and answers that, again, were posed to  
20 you, but obviously your counsel prepared the final  
21 document. These are your answers to questions that I had  
22 asked about the case.

23 No. 1 contains a couple of doctors that we  
24 didn't go through in that last document, so I want to ask

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1 you about these doctors. I think you did mention  
2 Dr. Lazar. The question asks you to tell me which doctor  
3 with regard to each plaintiff -- and it actually  
4 underlines the word "each plaintiff," but your answer  
5 doesn't quite tell me which is which. Which is for you  
6 and which is for your wife. I felt the question was  
7 clear enough, but maybe it wasn't.

8 Tell me now, whose doctor is Dr. Morris?

9 A. That's my wife. We have Open Choice health  
10 insurance. So my wife and I both see both of these  
11 doctors. But my wife prefers Dr. Morris.

12 Q. I think you said earlier when I was asking you  
13 about Dr. Tavani, you said Dr. Lazar referred you to  
14 Dr. Tavani?

15 A. Yes.

16 Q. Is that you and your wife?

17 A. I suggested that my wife should see her, also.

18 Q. Has your son been treated by any doctor?

19 A. Dr. Brousell.

20 Q. Let's get off of No. 1 for now. Let's go down  
21 to No. 5 of that same document. Take a second to read  
22 it, then I'll ask you some questions. Go ahead and read  
23 the question and the answer, and then I'll ask you about  
24 your answer.

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1 A. (Complied.)

2 Q. Did you read all that?

3 A. Yes.

4 Q. The second sentence in that No. 5, in your  
5 answer, it says, "Our relationships with close neighbors  
6 have deteriorated."

7 A. Yes.

8 Q. Give me the names of the close neighbors that  
9 you're talking about.

10 A. My neighbor next door to me, Jeff. I can't  
11 think of his last name.

12 Q. What house number?

13 A. That would be, I believe, 120.

14 Q. 120?

15 A. Yes.

16 Q. Your relationship has deteriorated with him?

17 A. Yes.

18 Q. How so?

19 A. We used to speak, talk about current events,  
20 sports, things of that nature, and it dissipated. It's  
21 no longer in existence.

22 Q. Have you tried to speak to him?

23 A. Sure.

24 Q. What does he do?

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1 A. Just ignores me.

2 Q. Anybody else?

3 A. There were neighbors that actually -- that were  
4 across the street, they moved, that we were friendly  
5 with.

6 Q. What was their name?

7 A. His name was -- I forget their last name.  
8 Jeff, Jim, and they had a son.

9 Q. Jeff and Jim had a son?

10 A. No. Jeff and Jim and I, we were all pretty  
11 close. But Jim moved.

12 Q. Jim's across the street. Jeff's next door at  
13 120.

14 A. Yes. And Brandon. Brandon is across the  
15 street as well.

16 Q. Brandon is separate from Jim?

17 A. Yes.

18 Q. You don't know their last names?

19 A. No.

20 Q. The answer says the relationship with close  
21 neighbors. They weren't close enough for you to know  
22 their last names?

23 A. No, I didn't know their last -- I know Jeff's  
24 last name. It begins with a K. But I don't recall their



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1 last name.

2 Q. But they're close neighbors. Is that accurate,  
3 their close neighbors?

4 A. We were fairly close.

5 Q. In that same answer it says, "Neighbors have  
6 suddenly relocated."

7 A. The neighbors across the street, they just put  
8 their house up for sale and soon after this entire  
9 ordeal.

10 Q. Do you have reason to believe that they  
11 relocated because of this ordeal?

12 A. I do.

13 Q. Why?

14 A. Well, because the way we were treated  
15 afterwards. We were always speaking. My wife had a real  
16 close relationship with the lady that lived there. They  
17 spoke periodically. After this incident it all just  
18 vanished.

19 Q. In that same answer it goes on to say, "The  
20 respect once held in our community seems to have  
21 decreased."

22 What community are you talking about?

23 A. Our development is called Eagle Glen, and  
24 people speak and very friendly, very close community, and

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1 it just seems to have decreased since this incident.

2 Q. Jeff stopped talking to you and Jim stopped  
3 talking to you?

4 A. They moved. Jim moved. And Jeff, we don't  
5 speak.

6 Q. Did anybody else stop talking to you?

7 A. Not in the community.

8 Q. Anywhere else, period.

9 A. At work, you get -- it's just a different type  
10 of treatment from your coworkers. Some coworkers are  
11 embrative, they embrace us. And some coworkers are just  
12 cold.

13 Q. Of the coworkers, aside from Mr. Peoples, do  
14 other coworkers live in that neighborhood?

15 A. No. Not in that development.

16 Q. So how did they find out what happened?

17 A. Newspaper.

18 Q. Did the newspaper say anything about this being  
19 the wrong house?

20 A. Yes. The article states that, yes.

21 Q. So the people that read the newspaper article  
22 that said the police came to your house, which was the  
23 wrong house; is that accurate?

24 A. That is stated in the article, but it's a lot

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1 stated in the article. It states -- there's a lot of  
2 information stated in the article.

3 Q. Such as?

4 A. The type of lawsuit. It's racial. As a matter  
5 of fact, there was a security guard that worked there  
6 who's recently retired who was -- he retired -- he's a  
7 retired Wilmington officer, and he was sort of cold  
8 towards me.

9 Q. What's his name?

10 A. Michael --

11 Q. He's a retired Wilmington police officer who  
12 works as a security guard for Noramco?

13 A. Yes. He retired from Noramco as well.

14 Q. You say he was cold to you. Can you tell me  
15 more specifically?

16 A. Yes. He made a comment that "With your  
17 lawsuit, I hope you don't affect my pension." Comments  
18 like that.

19 Q. That's a cold comment?

20 A. Yes. It's abrasive.

21 Q. Let go on to the next question right after. I  
22 ask you about medical expenses in No. 6.

23 A. Yes.

24 Q. The only thing you have down there is about

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1 records of Dr. Tavani.

2 A. Yes.

3 Q. Next sentence says, "The expenses are  
4 continuing." Is Dr. Tavani the only person sending you  
5 medical bills?

6 A. That's not covered under the health insurance  
7 that we have, yes.

8 Q. Okay. Let's actually back up to No. 4 in that  
9 same document. Go ahead and read it and I'll ask you  
10 some questions about it.

11 A. (Complied.)

12 Q. Let's look at 4(c). It says, "Our race allowed  
13 defendants to override policies, procedures and  
14 protocols."

15 Now, do you believe that this was not  
16 simply a mistake by the police but that this was a  
17 calculated effort to drive all the way out to Eagle Glen  
18 to pick on you because you're black?

19 A. I think that the only commonality that the  
20 suspect and my family has is race.

21 Q. Don't you have the same last name as the  
22 suspect?

23 A. It's the same last name, yes.

24 Q. So then that race isn't the only commonality,

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1 is it?

2 A. I think based on by the officers doing what  
3 they did as far as invading our home, I think race, yes.

4 Q. Race is the only commonality?

5 A. I'm saying as far as by them making a decision  
6 to come into our home based on the evidence and it's only  
7 race. You can have a same name as a person, but if the  
8 race is different, they wouldn't have invaded the  
9 person's home.

10 Q. This is a racist conspiracy?

11 MR. BARTOSHESKY: Object to the form. You  
12 can answer.

13 A. Do I believe that the race is a conspiracy?

14 Q. Do you believe that this whole incident is a  
15 racist conspiracy against you?

16 A. No. I believe it was a major error, but  
17 because of our race, it happened.

18 Q. Let's go down to No. 11. I'll let you read it.  
19 Basically it asks you how long they had been there, how  
20 long they were at the house that morning. I'm not going  
21 to hold you to the pinpoint second, but I want to know  
22 minutes, seconds, whatever. You didn't seem to want to  
23 answer No. 11. I want to ask you today: How long were  
24 they there?

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1 A. To give the exact amount of time, I can't say.  
2 I know it was approximately 6:00 a.m. and I departed for  
3 work -- we're going back almost 14 months --

4 Q. Now --

5 MR. BARTOSHESKY: He's still answering.

6 A. I would say approximately a half-hour or so.

7 Q. What time did you have to be to work?

8 A. I have to be to work at 6:30.

9 Q. What time did you get to work?

10 A. I didn't get to work until 7 o'clock.

11 Q. How long does it take you to drive to work?

12 A. Takes about half an hour.

13 Q. Do you punch a time clock at work?

14 A. We have a card reader that you key in.

15 Q. Let's go down to No. 12. There's a list of  
16 items. We're asking you what was damaged in the house.

17 Actually, this is going to be a long series  
18 of questions. Let me ask you first: Do you want to take  
19 a break or do you want to forge ahead?

20 A. Let's forge ahead.

21 Q. I think we went over some of these when we went  
22 over the pictures. As far as the items listed in your  
23 answer for No. 12 that aren't covered, let me ask you  
24 about -- it says that furniture was damaged.

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1 A. Yes.

2 Q. What furniture was damaged?

3 A. There's a table that sits in the hall. From  
4 when the door swung open, it hit the table. That table  
5 is not structurally sound.

6 Q. What did you do with it?

7 A. Tried to repair it because my wife really likes  
8 it. It's still there.

9 Q. What's the second-floor railing? Did we see  
10 pictures of the railing?

11 A. No.

12 Q. What happened to the railing?

13 A. The railing -- the brackets to the railing were  
14 jogged loose.

15 Q. Did you fix it?

16 A. Yes.

17 Q. How did you fix them?

18 A. I adjusted the bolts on the bottom portion of  
19 the railing and tightened them down; put new support  
20 brackets on.

21 Q. You finish off that answer with saying  
22 something about miscellaneous and sacred items are  
23 destroyed in the attic.

24 A. Yes.

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1 Q. Tell me what items.

2 A. My wife has pictures, whatnots, collectibles  
3 from like traveling, there's luggage, there's Christmas  
4 ornaments, there were lights, a lot of personal items up  
5 there that were just destroyed.

6 Q. What did you do with them?

7 A. She threw them out.

8 Q. You went to work that morning you said?

9 A. Yes.

10 Q. Did you miss any time from work?

11 A. Yes.

12 Q. How much time?

13 A. I missed two weeks from work.

14 Q. Were you paid for the two weeks?

15 A. Yes.

16 Q. How?

17 A. Short-term disability.

18 Q. Did you have to fill out any application to get  
19 short-term disability?

20 A. Yes. Forms filled out. I actually visited the  
21 medical center that I was explaining to you earlier.

22 Q. How detailed were the forms? How long in terms  
23 of the number of pages? I won't hold you to the exact  
24 number.

## DeWayne Walker, Sr.

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1 A. A lot of it was done electronically, over the  
2 phone, because the headquarters is up in New Brunswick,  
3 New Jersey.

4 Q. When did the short-term disability start?

5 A. That was the 16th of September, 2005.

6 Q. You said two weeks. Does that take us to,  
7 what, September 30th?

8 A. Yes. A Friday.

9 Q. What kind of information did you have to give  
10 when you were applying for the disability? I know you  
11 said over the phone, but what kind of information did you  
12 have to provide?

13 A. I had to briefly explain why we were filing for  
14 short-term disability, what transpired.

15 Q. That's all?

16 A. Yeah. You don't have to -- I told them it was  
17 personal, so I gave a brief description of what had  
18 transpired, and the doctors from the medical facility  
19 also reiterated some of the things that we mentioned.

20 Q. When you went back to work on September 30th,  
21 did you have to go see a doctor again and have someone  
22 sign off and say it was okay for you to go back to work?

23 A. Yes.

24 Q. Did someone?

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1 A. Yes.

2 Q. Who?

3 A. It was at the Omega Center.

4 Q. Newark?

5 A. Yes. Hygeia Drive, I believe.

6 Q. After this short-term disability, did you start  
7 taking any medication?

8 A. I was taking medication after we went and had  
9 an appointment with Dr. Tavani initially.

10 Q. What medication?

11 A. Zoloft.

12 Q. Anything else?

13 A. No. That's it. Zoloft.

14 Q. Between that time, September of '05, and now,  
15 any other medication?

16 A. No.

17 Q. Obviously I'm going to have a chance to depose  
18 your wife as well to ask her about her medication, but  
19 can you tell me what, if anything, you know about the  
20 medication she's taking?

21 A. Zoloft.

22 Q. Do you know if she's taking anything else?

23 A. No.

24 Q. How about your son?

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1 A. No, he's not taking anything.

2 Q. He's not taking anything else or anything at  
3 all?

4 A. Anything at all.

5 Q. You mentioned therapy with Dr. Tavani. Any  
6 other therapy sessions with any other doctors?

7 A. Kozma.

8 Q. Anybody else?

9 A. My son with Dr. Brousell.

10 Q. Is there like a family group therapy type of  
11 thing that any of you do?

12 A. No. We go individually.

13 Q. No. 4 is the document that we pulled from your  
14 personnel file at Noramco. I'm going to ask you some  
15 questions about it in a minute.

16 First and foremost, you filed this lawsuit  
17 because you want to be paid money for what happened in  
18 this raid, correct?

19 A. Yes.

20 Q. You had some money problems in the past,  
21 haven't you?

22 A. Yes, but it was business-related.

23 Q. When you say, "Yes, but it was  
24 business-related," what were the money problems?

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1 A. Well, we had a business -- I had a janitorial  
2 service that I invested a lot of time and money into.

3 Q. Did you get past due to any creditors?

4 A. During?

5 Q. At any time in your life.

6 A. Sure. Yes.

7 Q. How far past due?

8 A. I'll say 60 days. Sixty or ninety days past  
9 due.

10 Q. Any 180 days past due?

11 A. Not to my recollection. One hundred eighty  
12 days past due.

13 Q. Take a look at the credit report that your  
14 employer pulled on you. It's after the employment  
15 history. It lists your creditors. See where it says  
16 "Credit Profile"? I'm starting on page 2.

17 A. Yes. Yes.

18 Q. Capital One, you were past due.

19 A. Yes. This was in 2001.

20 Q. Do you see where it says delinquent 180 at the  
21 very last line?

22 A. Yes.

23 Q. Is that accurate?

24 A. Currently? No, it's not currently accurate.

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DeWayne Walker, Sr.

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1 Q. What's accurate, then?  
 2 A. These are all 2001 and 2002.  
 3 Q. It says 180 days past due. You said that's not  
 4 accurate. What is accurate?  
 5 A. No, I'm saying that the date -- the date is not  
 6 delinquent. I'm saying it's not delinquent currently.  
 7 Q. You eventually paid it?  
 8 A. This was when we filed bankruptcy.  
 9 Q. So you did file bankruptcy?  
 10 A. Yes.  
 11 Q. Did you eventually pay off your creditors what  
 12 you owed them?  
 13 A. No. We filed Chapter 7 and it was charged off.  
 14 In 2001.  
 15 Q. Did you pay any of your bills?  
 16 A. Yes. Currently I pay my bills.  
 17 Q. Currently you pay your bills.  
 18 What was going on in your life that you got  
 19 to the point that you had to file for bankruptcy?  
 20 A. The business. I had a business that I invested  
 21 a lot of time and money into, and it wasn't going well.  
 22 In 2001, I think that's when my wife was unemployed at  
 23 the time, I believe. Around that time.  
 24 Q. I'll just go over a few more things and that

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1 might be it.  
 2 MR. MILI: That's it for me. Your attorney  
 3 has the right to supplement the record if he wants to.  
 4 If not, we're done.  
 5 MR. BARTOSHESKY: I have no questions. We  
 6 will read.

7 (Deposition concluded at 1:55 p.m.)  
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## TESTIMONY

DEPONENT: DeWAYNE WALKER, SR.

PAGE

BY MR. MILL..... 2

## EXHIBITS

D. WALKER DEPOSITION EXHIBIT NO.

MARKED

10  
 11 1 - First Amended.....2  
 12 2 - Plaintiffs' Initial Disclosures  
 Pursuant to Federal Rule of Civil  
 13 Procedure 26(a)(1).....2  
 14 3 - Plaintiffs' Answers to Defendants'  
 Interrogatories.....2  
 15  
 16 4 - Document entitled, "Report For: J&J  
 Worldwide Security Group".....2  
 17 5 through 19\* - Photographs.....2  
 18  
 19 \* Retained by Mr. Mili  
 20  
 21  
 22  
 23  
 24

Page 49

REPLACE THIS PAGE  
 WITH THE ERRATA SHEET  
 AFTER IT HAS BEEN  
 COMPLETED AND SIGNED  
 BY THE DEPONENT

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## CERTIFICATE OF REPORTER

STATE OF DELAWARE)

NEW CASTLE COUNTY)

I, Kimberly A. Hurley, Registered Professional Reporter and Notary Public, do hereby certify that there came before me on the 25th day of January, 2007, the deponent herein, DeWAYNE WALKER, SR., who was duly sworn by me and thereafter examined by counsel for the respective parties; that the questions asked of said deponent and the answers given were taken down by me in Stenotype notes and thereafter transcribed by use of computer-aided transcription and computer printer under my direction.

I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.

I further certify that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

Kimberly A. Hurley  
Certification No. 126-RPR  
(Expires January 31, 2008)

DATED:

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DELJIS Web Applications	
DELJIS Menu	Web Searches Support/Help

## Detail Display: WALKER, DWAYNE

Additional Identification data for SBI Number: 00354596 - Sequence: 01

To continue with processing of the rap sheet, click on the SBI number.

Last Name: **WALKER** First Name: **DWAYNE** MI: **A** Suffix: Name Title:

Status data on file: **PAROLE**  
WARRANT effective 08/31/2005

Sex: **MALE** Race: **Black** Height: **6'00** Weight: **175lbs** Marital Status: **Single**  
Eye Color: **Brown** Hair Color: **Black** Skin Tone: **Fair** Ethnic Origin: **Non-Hispanic**

Address: **703 W 5TH ST** Development:  
City: **WILMINGTON** State: **Delaware** Zip Code: **19802** County: **Unknown**

Driver's License: **1344226** State: **Delaware** Expiration Year:

Employer: **UNEMPLOYED** Occupation: **DETAIL CARS**  
County: **Unknown**

Telephones: Residence: **302-655-1751** Work:

The current commitment status is **PAROLEE** in agency **P & P WILMINGTON**

Caution Information: **-KNOWN TO ABUSE DRUGS**

Religion: **NO PREFERENCE - NONE** Place of Birth: **Delaware** Hair Description: Hand:  
**R**

Possible Alien: **NO** Foreign Born: **NO** DNA Sample Available: **NO**  
FBI Number: **200253KB8** Fingerprint Class: **15131305COPO12TTPOCI** On File: **YES**

Other Names Used:	Dates of Birth:	SSA Numbers:
<b>02-WALKER, DWAYNE</b>	<b>12/10/1982</b>	<b>221668366</b>

Nicknames:	Other SBI Number:	Family Court File:	Other ID Numbers:
	<b>T0979028</b>		<b>WPD-69449</b>
	<b>T1251005</b>		

**SCARS, MARKS AND TATTOOS:**  
Scar--Left Eyebrow

INCORRECT DI

If there is a mist record, please c Support

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<http://server.deljls.state.de.us/WebApps/WebRapsheet/more.asp?SBI=00354596&Sequenc...> 9/13/2005

**OTHER ADDRESSES ON FILE:**

From: to 07/31/2000 Status: Type:  
Address: 1324 W. 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19808 County: New Castle

From: to 07/31/2000 Status: Type:  
Address: 1324 W. 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19808 County:

From: to 07/31/2000 Status: Type:  
Address: 1324 W. 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19808 County:

From: to 07/31/2000 Status: Type:  
Address: NCC DETENTION CENTER Development:  
Address: 963 CENTRE ROAD  
City: WILMINGTON State: Delaware Zip Code: 19805 County:

From: to 07/31/2000 Status: Type:  
Address: 1324 W. 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19808 County:

From: to 08/02/2000 Status: Type:  
Address: 1315 WEST 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19809 County: New Castle

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Address: 1315 WEST 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19809 County:

From: to 08/16/2000 Status: Type:  
Address: 1315 W. 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19805 County: New Castle

From: to 10/03/2000 Status: Type:  
Address: 1315 W 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19805 County:

From: to 02/05/2001 Status: Type:  
Address: 1106 WEST 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19805 County:

From: to 02/06/2001 Status: Type:  
Address: 1106 WEST 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19805 County:

From: to 02/20/2001 Status: Type:  
Address: GANDER HILL Development:  
Address: PO BOX 9561  
City: WILMINGTON State: Delaware Zip Code: 1909 County:

From: to 05/03/2001 Status: Type:  
Address: 1106 W 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19805 County: New Castle

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From: to 06/27/2001 Status: Type:  
Address: 1106 W 3RD ST Development:  
City: WILMINGTON State: Delaware Zip Code: 19805 County:

From: to 06/27/2001 Status: Type:  
Address: GANDER HILL PRISON Development:  
Address: PO BOX 9561  
City: WILMINGTON State: Delaware Zip Code: 19809 County:

From: to 09/17/2001 Status: Type:  
Address: 1315 W 3RD ST Development:  
City: WILMINGTON State: Delaware Zip Code: 19801 County: New Castle

From: to 09/17/2001 Status: Type:  
Address: GANDER HILL PRISON Development:  
Address: POST OFFICE BOX 9561  
City: WILMINGTON State: Delaware Zip Code: 19809 County:

From: to 09/18/2001 Status: Type:  
Address: GANDER HILL PRISON Development:  
Address: POST OFFICE BOX 9561  
City: WILMINGTON State: Delaware Zip Code: 19809 County:

From: to 09/26/2001 Status: Type:  
Address: 1315 W 3RD ST Development:  
City: WILMINGTON State: Delaware Zip Code: 19805 County: New Castle

From: to 09/26/2001 Status: Type:  
Address: 1315 WEST 3RD STREET Development:  
City: WILMINGTON State: Delaware Zip Code: 19805 County:

From: to CURRENT Status: Type:  
Address: Development:  
City: State: Zip Code: County:

**ASSOCIATED NAMES:**

ID Number: Last: HENRY First: ANNETTE MI: Suffix:  
Address:  
City: State: Zip Code:  
Telephones: Residence: Work:

ID Number: Last: MANESS First: ROCHELLE MI: Suffix:

Address: 1315 W 3RD STREET  
City: WILMINGTON State: Delaware Zip Code: 19801  
Telephones: Residence: 302-658-2882 Work:

1119 Lancaster Ave.



### CERTIFICATE OF SERVICE

I, Philip B. Bartoshesky, undersigned counsel of record, hereby certify that on July 12, 2007, I caused one copy of the attached Plaintiffs' Answering Brief in Opposition to Defendants' Opening Brief in Support of Their Motion for Summary Judgment and Plaintiffs' Appendix to Their Brief in Opposition to Defendants' Opening Brief in Support of Their Motion for Summary Judgment to be served on the following by hand delivery:

Alex J. Mili, Jr., Esquire  
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Wilmington and Detective Michael R. Lawson, Jr.

/s/ Philip B. Bartoshesky (#2056)

/s/ Victor F. Battaglia (#156)

Philip B. Bartoshesky, Esquire  
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Wilmington, Delaware 19899  
Attorney for Plaintiffs

Dated: July 12, 2007